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C. Davidson

STATUTES AND ENACTMENTS
CONCERNING RAILWAYS HAVING REFERENCE TO THE
NORTH SHORE RAILWAY
OF THE
PROVINCE OF QUEBEC
CANADA

PRINTED BY AUGUSTIN COTÉ & C^o

1872



REMARKS.

Page 1.—Chapter 66, Consolidated Statutes of Canada, is the general railway act, which, with its amendments, govern the North Shore Railway Company in all matters, not varied or excepted by the “North Shore Railway Act,” and the acts amending said last mentioned act.

Page 34.—Sections 75, 76 and 77 are repealed by the Municipal Code of the Province of Quebec.

Page 72.—All grants of land made to “the North Shore Railway Company,” or to “the St. Maurice Railway and Navigation Company,” previous to the 24th December, 1870, are revoked. See page 125, section 4.

Page 73.—This act has been, in some respects, changed. See 21st Victoria, chapter 34, page 124.

Page 77.—Section 5 to be found on this page is repealed. See page 137, section 14.

Page 78.—The clauses of the 14th and 15th Victoria, chapter 51, referred to in section 4 at this page, are reproduced under their respective heads in the 66th chapter, Cons. Stat. Canada, page 1.

Page 84.—The provisions of the 14th and 15th Victoria, chapter 51, mentioned in section 23, are to be found in chapter 66 Cons. Stat. Canada, page 1.

CONSOLIDATED STATUTES OF CANADA

C A P . L X V I .

An Act respecting Railways.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. APPLICATION OF ACT.

1. Whenever this Act is referred to in citing the same, ^{Name by} it shall be sufficient to use the expression, "*The Railway* ^{which it shall} *Act.*" 14, 15 V. c. 51, s. 2. ^{be cited.}

2. When not otherwise expressed, this and the following ^{Application of} sections to the one hundred and twenty-fifth shall apply ^{Act.} to every Railway authorized to be constructed, by any Act passed since the thirtieth day of August, one thousand eight hundred and fifty-one, or by any Act passed after this Act takes effect, and this Act shall be incorporated with every such Act; and all the clauses and provisions of this Act, unless they are expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as applicable to the undertaking, and shall

as well as the clauses and provisions of every other Act incorporated with such Act, form part of such act, and be construed together therewith as forming one act. 14, 15 V. c. 51, s. 1.

What shall be sufficient in making an incorporation of this Act with Special Acts.

3. For the purpose of incorporating this Act or any of its provisions with a Special Act, it shall be sufficient in such Act to enact, that the Clauses of this Act, with respect to the matter so proposed to be incorporated, referring to the same in the word or words at the head of and introductory to the enactment with respect to such matter, shall be incorporated with such Act, and thereupon all the Clauses and provisions of this Act, with respect to the matter so incorporated shall, save in so far as they are expressly varied or excepted by such Act, form part thereof, and such Act shall be construed as if the substance of such Clauses and provisions were set forth therein with reference to the matter to which such Act relates. 14, 15 V. c. 51, s. 3.

Power to construct Railway, &c., or be exercised subject to provisions of this Act.

4. The power given by the Special Act to construct the Railway, and to take and use lands for that purpose, shall be exercised subject to the provisions and restrictions contained in this Act.

Compensation to be made for lands damaged.

5. For the value of lands taken and for all damages to lands injuriously affected by the construction of the Railway in the exercise of the powers by this or the Special Act, or any Act incorporated therewith, vested in the Company, compensation shall be made to the owners and occupiers of, and to all other persons interested in, any lands so taken or injuriously affected. 14, 15 V. c. 51, s. 4.

How compensation to be determined.

6. Unless otherwise specially provided by this Act or the Special Act, the amount of such compensation shall be ascertained and determined in the manner provided by this Act. 14, 15 V. c. 51, s. 4.

2. INTERPRETATION.

Interpretation of words. "The Special Act."

7. 1. The expression "the Special Act," used in this Act, shall be construed to mean any Act authorizing the construction of a Railway, and with which this Act is in manner aforesaid incorporated ;

2. The word "prescribed," used in this Act in reference ^{"Prescribed."} to any matter herein stated, shall be construed to refer to such matter as the same is prescribed or provided for in the Special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the Special Act" had been used;

3. The expression "the lands" shall mean the lands ^{"The Lands."} which by the Special Act are authorized to be taken or used for the purpose thereof;

4. The expression "the undertaking" shall mean the ^{"The undertaking."} Railway and works, of whatever description, by the Special Act authorized to be executed;

5. The following words and expressions, both in this and the Special Act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say:

6. The word "Lands" shall include all real estate, ^{"Lands."} messuages, lands, tenements and hereditaments of any tenure;

7. The word "Lease" shall include any agreement for ^{"Lease."} a lease;

8. The word "Toll" shall include any rate or charge ^{"Toll."} or other payment payable under this Act or the Special Act for any passenger, animal, carriage, goods, merchandise, articles, matters or things conveyed on the Railway;

9. The word "Goods" shall include things of every ^{"Goods."} kind conveyed upon the Railway, or upon Steam or other vessels connected therewith;

10. The expression "Superior Courts" shall mean the ^{"Superior Courts."} Courts of Chancery, Queen's Bench and Common Pleas in Upper Canada, and the Superior Court in Lower Canada, as the case may be;

11. The word "County" shall include any union of ^{"County."} Counties, County, Riding, or like division of a County in the Province, or any division thereof into separate Municipalities in Lower Canada;

421)
"Highways."

12. The word "Highways" shall mean all public roads, streets, lanes, and other public ways and communications ;

"Sheriff."

13. The word "Sheriff" shall include Under Sheriff, or other legal competent Deputy ; and where any matter in relation to any lands is required to be done by any Sheriff or Clerk of the Peace, the expression "the Sheriff," or the expression "Clerk of the Peace," shall in such case be construed to mean the Sheriff or Clerk of the Peace of the District, County, Riding, Division, or place where such lands are situate ; and if the lands in question, being the property of one and the same party, be situate not wholly in one District, County, Riding, Division, or place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such District, County, Riding, Division or place where any part of such lands are situate ;

"Clerk of the Peace."

"Justice."

14. The word "Justice" shall mean Justice of the Peace acting for the District, County, Riding, Division, City or place where the matter requiring the cognizance of a Justice arises, and who is not interested in the matter ; and where the matter arises in respect of lands being the property of one and the same party, situate not wholly in any one District, County, Riding, Division, City or place, the word "Justice" shall mean a Justice acting for the District, County, Riding, Division, City or place where any part of such lands are situate, and who is not interested in such matter ; and where any matter is authorized or required to be done by two Justices, the expression "two Justices" shall be understood to mean two Justices assembled and acting together ;

"Two Justices."

"Owner."

15. The word "owner" where, under the provisions of this Act or the Special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of any such owner, shall be understood to mean any Corporation or person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the Company ;

"The Company."

16. The expression "the Company" shall mean the company or party authorized by the Special Act to construct the Railway ;

17. The expression "the Railway" shall mean the Rail-^{"The Rail-}
way and works by the Special Act authorized to be cons-^{way."}
tructed ;

18. The word "clause" shall mean any separate section ^{"Clause."}
of this Act, or any other Act therein referred to, distin-
guished by a separate number ;

19. The word "Shareholder" shall mean every sub-^{"Share-}
scriber to or holder of stock in the undertaking, and shall ^{holder."}
extend to and include the personal representatives of the
Shareholder. 14, 15 V. c. 51, s. 7.

3. INCORPORATION.

8. Every Company established under any Special Act ^{Companies}
shall be a body corporate under the name declared in the ^{established}
Special Act, and shall be invested with all the powers, ^{under Special}
privileges and immunities necessary to carry into effect ^{Acts, declared}
the intentions and objects of this Act and of the Special ^{to be bodies}
Act therefor, and which are incident to such Corporation, ^{corporate, &c.}
as are expressed or included in "the Interpretation Act."
14, 15 V. c. 51, s. 8.

4. POWERS.

9. The Company shall have power and authority : ^{Powers :}

Firstly. To receive, hold and take all voluntary grants ^{To receive}
and donations of land or other property made to it, to aid ^{grants of land,}
in the construction, maintenance and accommodation of ^{&c ;}
the Railway, but the same shall be held and used for the
purpose of such grants or donations only ; 14, 15 V. c.
51, s. 9.

Secondly. To purchase, hold and take of any Corporation ^{Purchase}
or person any land or other property necessary for the ^{land ;}
construction, maintenance, accommodation and use of the
Railway, and also to alienate, sell or dispose of the same ;

Thirdly. No Railway Company shall take possession of, ^{Occupy public}
use or occupy any lands vested in Her Majesty, without ^{lands, beaches,}
the consent of the Governor in Council ; but with such ^{&c ;}
consent any such Company may take and appropriate for
the use of their Railway and works, but not alienate, so

much of the wild lands of the Crown lying on the route of the Railway, as have not been granted or sold, and as may be necessary for such Railway, as also so much of the public beach or of the land covered with the waters of any Lake, River, Stream or Canal, or of their respective beds, as is necessary for making and completing and using their said Railway and Works, but nothing in this sub-section contained, shall apply to the thirty and thirty-first paragraphs of the eleventh section of this Act. 14, 15 V. c. 51, s. 9, No. 3,—16 V. c. 169, s. 8.

Carry Railway across lands of Corporations, and others ; *Fourthly.* To make, carry or place the Railway across or upon the lands of any Corporation or person on the line of the Railway, or within the distance from such line stated in the Special Act, although through error or other cause, the name of such party has not been entered in the Book of Reference hereinafter mentioned, or although some other party has been erroneously mentioned as the owner of or entitled to convey, or is interested in such lands ;

And across or along streams, &c ; *Fifthly.* To construct, maintain and work the Railway across, along, or upon any stream of water, water course, canal, highway or railway which it intersects or touches ; but the stream, water course, highway, canal or railway so intersected or touched, shall be restored by the Company to its former state, or to such state as not to impair its usefulness ;

Complete Railway with one or more tracks, &c ; *Sixth'y.* To make, complete, alter and keep in repair the railway with one or more sets of rails or tracks to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them ;

Erect necessary buildings, wharves, &c., *Seventhly.* To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures and from time to time to alter, repair or enlarge the same, and to purchase and acquire stationary or locomotive engines and carriages, waggons, floats and other machinery and contrivances necessary for the accommodation and use of the passengers, freights and business of the Railway ;

Eighthly. To make branch Railways, if required and provided by the Special Act, and to manage the same, and for that purpose to exercise all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the Railway ;

Ninthly. To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the Railway, in pursuance of and according to the meaning and intent of this Act, and of the Special Act ;

Tenthly. To take, transport, carry and convey persons and goods on the Railway, to regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation ;

Eleventhly. To borrow from time to time, either in this Province or elsewhere, such sums of money as may be expedient for completing, maintaining and working the Railway, and at a rate of interest not exceeding eight per cent per annum, and to make the Bonds, Debentures or other securities granted for the sums so borrowed, payable either in currency or in sterling, and at such place or places within this Province or without as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient, or be necessary, and to hypothecate, mortgage or pledge the lands, tolls, revenues or other property of the Company for the due payment of the said sums and interest thereon, but no such debenture shall be for a less sum than one hundred dollars ;

Twelfthly. To enter into and upon any lands of Her Majesty without previous license therefor, or into and upon the lands of any Corporation or person whatsoever lying in the intended route or line of the Railway ;

Thirteenthly. To make surveys, examinations, or other necessary arrangements on such lands necessary for fixing the site of the Railway, and to set out and ascertain such parts of the lands as are necessary and proper for the Railway ;

Remove
trees.

Fourteenthly. To fell or remove any trees standing in any woods, lands or forests, where the Railway passes, to the distance of six rods from either side thereof ;

Unite with
other Rail-
ways.

Fifteenthly. To cross, intersect, join and unite the Railway with any other Railway at any point on its route, and upon the lands of such other Railway, with the necessary conveniences for the purposes of such connection ; and the owners of both Railways may unite in forming such intersection, and grant the facilities therefor ; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by Arbitrators to be appointed by a Judge of one of the Superior Courts in Lower Canada or Upper Canada, as the case may be. 14, 15 V., c. 51, s. 9, No. 15, *See* 22 V., c. 4, s. 2.

5. PLANS AND SURVEYS.

Provision re-
specting sur-
veys and
levels.

10. Plans and Surveys shall be made and corrected as follows : 14, 15 V. c. 51, s. 10,

Firstly. Surveys and levels shall be taken and made of the lands through which the Railway is to pass, together with a Map or Plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a Book of Reference for the Railway, in which shall be set forth—

1. A general description of the said lands ;
2. The names of the owners and occupiers thereof, so far as they can be ascertained ; and
3. Every thing necessary for the right understanding of such Map or Plan :

Secondly. The Map or Plan and Book of Reference shall be examined and certified by the person performing the duties formerly assigned to the Surveyor General or his Deputies, who shall deposit copies thereof in the Office of the Clerks of the Peace in the Districts or Counties through which the Railway passes, and also in the Office of the Provincial Secretary, and shall also deliver one copy thereof to the said Company ;

Thirdly. Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to the Provincial Secretary, or to the Clerks of the Peace, at the rate of ten cents for every hundred words ;

Fourthly. The triplicates of such Map or Plan and Book of Reference so certified, or a true copy thereof certified by the Provincial Secretary, or by the Clerks of the Peace, shall be good evidence in any Court of Law and elsewhere ;

Fifthly. Any omission, mistatement or erroneous description of such lands, or of the owners or occupiers thereof, in any Map or Plan or Book of Reference, may, after giving ten days' notice to the owners of such lands, be corrected by two Justices on application made to them for that purpose, and if it appears to them that such omission, mistatement or erroneous description arose from mistake, the Justices shall certify the same accordingly ;

Omissions how remedied.

Sixthly. The Certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited with the Clerks of the Peace of the Districts or Counties respectively in which such lands are situate, and be kept by them along with the other documents to which they relate ; and thereupon such Map or Plan or Book of Reference shall be deemed to be corrected according to such certificate ; and the Company may make the Railway in accordance with the Certificate ;

Seventhly. If any alterations from the original Plan or Survey are intended to be made in the line or course of the Railway, a Plan and Section in triplicate of such alterations as have been approved of by Parliament, on the same scale and containing the same particulars as the original Plan and Survey shall be deposited in the same manner as the original Plan, and copies or extracts of such Plan and Section so far as relate to the several Districts or Counties, in or through which such alterations have been authorized to be made, shall be deposited with the Clerks of such Districts and Counties ;

Alterations from original survey.

Eighthly. Until such original Map or Plan and Book of Reference, or the plans and sections of the alterations, have

Railway not to be proceeded with

until map, &c., been so deposited, the execution of the Railway, or of the part thereof affected by the alterations, *as the case may be*, shall not be proceeded with ;

Clerks of the Peace to receive copies of original plan, &c.

Ninthly. The Clerks of the Peace shall receive and retain the copies of the original Plans and Surveys, and copies of the Plans and Sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under a penalty for default of four dollars ;

Copies certified by Clerk to be good evidence in Courts.

Tenthly. The copies of the Maps, Plans and Books of Reference, or of any alteration or correction thereof, or extracts therefrom, certified by the Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as good evidence of the contents thereof, and the Clerk of the Peace shall give such certificate to all parties interested when required ;

Line not to deviate more than a mile.

Eleventhly. No deviation of more than one mile from the line of the Railway or from the places assigned thereto in the said Map or Plan and Book of Reference or Plans or Sections shall be made into, through, across, under or over any part of the lands not shewn in such Map or Plan and Book of Reference, or Plans or Sections, or within one mile of the said line and place, save in such instances as are provided for in the Special Act ;

Error in the name of a person entered in a Book of Reference.

Twelfthly. The Railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the Book of Reference through error or any other cause, or although some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands ;

Extent of lands to be taken without consent of proprietor.

Thirteenthly. The lands which may be taken without the consent of the proprietor thereof, shall not exceed thirty yards in breadth, except in places where the Railway is raised more than five feet higher, or cut more than five feet deeper than the surface of the line, or where offsets are established, or where stations, depots or fixtures are in-

tended to be erected, or goods to be delivered, and then not more than two hundred yards in length by one hundred and fifty yards in breadth, without the consent of the person authorized to convey such lands; and the places at which such extra breadth is to be taken shall be shewn on the Map or Plan, or Plans or Sections, so far as the same may be then ascertained, but their not being so shewn shall not prevent such extra breadth from being taken, provided it be taken upon the line shewn or within the distance aforesaid from such line;

Fourteenthly. The extent of the public beach, or of the land covered with the waters of any river or lake in this Province, taken for the Railway, shall not exceed the quantity limited in the next preceding clause; 14, 15 V.c. 51, s. 10. Extent of public beach to be taken.

6. LANDS AND THEIR VALUATION.

11. The conveyance of lands, their valuation and the compensation therefor, shall be made in manner following : 14, 15 V. c. 51, s. 11.

Firstly. All Corporations and persons whatever, tenants in tail or for life, *grevés de substitution*, guardians, curators, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons, seized, possessed of or interested in any lands, may contract for, sell and convey unto the Company all or any part thereof; and any contract, agreement, sale, conveyance and assurance so made, shall be valid and effectual in law to all intents and purposes whatsoever; and the Corporation or person, so conveying, is hereby indemnified for what he or it respectively does by virtue of or in pursuance of this Act; Corporation, &c., may convey lands.

Secondly. Any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the Map or Plan and Book of Reference, and before the setting out and ascertaining of the lands required for the Railway, shall be binding at the price agreed Effect of contracts made before deposit of map.

upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the mean time, have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of Arbitrators as hereinafter provided, and the agreement shall be in the place of an award;

Corporations
who cannot
sell, may agree
upon a fixed
rent.

Thirdly. All Corporations or persons who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the Railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the Registry Office of the proper county;

As to proprie-
tor *par indivis*.

Fourthly. Whenever there is more than one party proprietor of any land as joint tenant or tenants in common, or *par indivis*, any contract or agreement made in good faith with any party or parties proprietor or being together proprietors of one third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenants or tenants in common and *par indivis*; and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be;

After one
month's notice
of deposit of
map, &c., ap-
plication to the
owner of lands.

Fifthly. After one month from the deposit of the Map or Plan and Book of Reference, and from notice thereof in at least one newspaper, if there be any, published in each of the Districts and Counties through which the Railway is intended to pass, application may be made to the owners

of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the Railway, and thereupon, agreements and contracts may be made with such parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then all questions which arise between them, shall be settled as follows, that is to say :

Sixthly. The deposit of a Map or Plan and Book of Deposit, &c., to be general notice. Reference and the notice of such deposit, shall be deemed a general notice to all such parties as aforesaid of the lands which will be required for the said Railway and works ;

Seventhly. The notice served upon the party shall Notice to opposite party. contain :

1. A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them ;

2. A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages ; and

3. The name of a person to be appointed as the Arbitrator of the Company, if their offer be not accepted ; and such notice shall be accompanied by the certificate of a sworn surveyor for Upper Canada or Lower Canada, *as the case may be*, disinterested in the matter, and not being the Arbitrator named in the notice :

1. That the land, if the notice relate to the taking of land shewn on the said map or plan, is required for the Railway, or is within the limits of deviation hereby allowed ;

2. That he knows the land, or the amount of damage likely to arise from the exercise of the powers ; and

3. That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid.

If the party be
absent or un-
known.

Eighthly. If the opposite party is absent from the District or County in which the lands lie, or is unknown, then, upon application to a Judge of the Circuit Court, or of the County Court, *as the case may be*, accompanied by such Certificate as aforesaid, and by an affidavit of some officer of the Company that the opposite party is so absent, or that, after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, but without a Certificate, to be inserted three times in the course of one month in some newspaper published in the said District or County ;

Party not ac-
cepting the
Company's
offer, and not
appointing an
arbitrator.

Ninthly. If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party does not notify to the Company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as Arbitrator, then the Judge shall, on the application of the Company, appoint a Sworn Surveyor for Upper or Lower Canada, as the case may be, to be sole Arbitrator for determining the compensation to be paid as aforesaid ;

Appointment
of arbitrators
by opposit
party.

Tenthly. If the opposite party within the time aforesaid, notifies to the Company the name of his Arbitrator, then the two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the Judge shall, on the application of the party or of the Company (previous notice of at least one clear day having been given to the other party), appoint a third Arbitrator ;

Third arbitra-
tor.

Duties of arbi-
trators.

Eleventhly. The Arbitrators, or any two of them, or the sole Arbitrator, being sworn before some Justice of the Peace for the District or County in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best, and the award of such Arbitrators, or any two of them, or of the sole Arbitrator, shall be final and conclusive ; But no such award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other Arbitrator has had at least one clear day's notice, or to which some meeting at which the third Arbitrator was present, had been adjourned ; and

no notice to either of the parties shall be necessary, but each party shall be held sufficiently notify through the Arbitrator appointed by him, or whose appointment he required ;

Twelfthly. If in any case where three Arbitrators have been appointed, the sum awarded is not greater than that ^{Costs how} offered, the costs of the Arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by the Judge aforesaid ;

Thirteenthly. The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as voluntarily appear before him or them, and may administer such oath or affirmation ; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly ; ^{Arbitrators may examine on oath.}

Fourteenthly. The Judge by whom any third Arbitrator or sole Arbitrator is appointed, shall at the same time, fix ^{Time within which award must be made.} a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by the order of the Judge (as it may be for reasonable cause shewn, on the application of such sole Arbitrator or of one of the Arbitrators after one clear day's notice to the others), then, the sum offered by the Company as aforesaid, shall be the compensation to be paid by them ;

Fifteenthly. If the Arbitrator appointed by such Judge, or if any Arbitrator appointed by the parties, dies before ^{Arbitrator dying, &c.} the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the Arbitrator appointed by the Judge upon the application of either party, such Judge being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another Arbitrator in his place, and the Company and party respectively may each appoint an

Arbitrator in the place of his Arbitrator deceased or otherwise not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case ;

Company may desist paying costs. *Sixteenthly.* Any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist ;

Arbitrators not disqualified unless personally interested. *Seventeenthly.* The Surveyor or other person offered or appointed as Valuator or as Arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the Company, provided he is not himself personally interested in the amount of the compensation ; and no cause of disqualification shall be urged against any Arbitrator appointed by the Judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the Judge ;

No objection admissible after a third arbitrator has been appointed. *Eighteenthly.* No cause of disqualification shall be urged against any Arbitrator appointed by the Company or by the opposite party after the appointment of a third Arbitrator ; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by the Judge, on the application of either party, after one clear day's notice to the other, and if such cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an Arbitrator ;

Awards not avoided for want of form. *Nineteenthly.* No award made as aforesaid shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award state clearly the sum awarded, and the lands or other property, right or thing for which such sum

is to be the compensation ; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award ;

Twentiethly. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon as aforesaid to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the said Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon ; and if any resistance or forcible opposition be made by any person to their so doing, the Judge may, on proof to his satisfaction of such award or agreement, issue his Warrant to the Sheriff of the District or County, or to a Bailiff, as he may deem most suitable, to put the said Company in possession, and to put down such resistance or opposition, which the Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do ;

Twenty-firstly. Such Warrant may also be granted by any such Judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the said Railway with which the said Company are ready forthwith to proceed ; and upon the said Company giving security to his satisfaction, and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time at which possession is given, and with such costs as may be lawfully payable by the Company ;

Twenty-secondly. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands ; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the Company, be converted into claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid

such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party ;

As to incumbrances, &c., upon lands, &c., purchased or taken in U. C.

Twenty-thirdly. If the Company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the Company, or if for any other reason the Company deems it advisable, the Company may, if the lands are situated in Upper Canada, pay such compensation into the office of either of the Superior Courts for Upper Canada, with the interest thereon for six months, and may deliver to the Clerk of the Court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the Company to the land therein mentioned ;

What notice to be published.

Twenty-fourthly. A notice, in such form and for such time as the said Court appoints, shall be inserted in some newspaper if there be any, published in the County in which the lands are situate, and in the City of Toronto, which shall state that the title of the Company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages or incumbrances upon the same ; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice; and according to the provisions of this Act, and the Special Act and to law, appertain ;

By whom costs be paid.

Twenty-fifthly. The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party as the Court deem it equitable to order ;

Twenty-sixthly. If such order of distribution as aforesaid be obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it is not obtained until after the six months have expired, the Court shall order the Company to pay to the proper claimants the interest for such further period as may be right;

Twenty-seventhly. If the lands so taken are situate in Lower Canada, and if the Company have reason to fear any such claim, mortgage, hypothec or incumbrance, or if any party to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the compensation or rent cannot be found, or is unknown to the Company, or if for any other reason the Company deems it advisable, the Company may pay such compensation into the hands of the Prothonotary of the Superior Court for the District in which the land is situate, with the interest thereon for six months, and may deliver to the said Prothonotary an authentic copy of the conveyance, or of the award, if there be no conveyance, and such award shall thereafter be deemed to be the title of the said Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the said Company, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the Prothonotary shall state that the title of the Company (that is, the conveyance or award) is under this Act, and shall call upon all persons entitled to the lands, or any part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court;

Twenty-eighthly. Such judgment of confirmation shall for ever bar all claims to the land, or any part thereof (including dower, not yet open), as well as any mortgage, hypothec or incumbrance upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the security of the

When interest
to be returned
to, or paid by
the Company.

Case in which
lands are si-
tuate in L. C.
and Company
have reason to
fear incum-
brances pro-
vided for.

Effect of a
judgment of
confirmation.

rights of all parties interested, as to right and justice, and the Special Act, and according to the provisions of this Act and to law, shall appertain ;

By whom cost to be paid. *Twenty-ninthly.* The costs of the said proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court deem it equitable to order ; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it is not obtained until after the six months have expired, the Court shall order the Company to pay the Prothonotary the interest for such further period as may be right ;

Interest.

The case of Railway passing through Indian lands provided for. *Thirtiethly.* If the Railway passes through any land belonging to or in possession of any Tribe of Indians in this Province, or if any act occasioning damage to their lands be done under the authority of this Act or the Special Act, compensation shall be made to them therefore, in the same manner as is provided with respect to the lands or rights of other individuals ; and whenever it is necessary that Arbitrators should be chosen by the parties, the Chief Officer of the Indian Department within this Province, is hereby authorized and required to name an Arbitrator on behalf of the Indians, and where the lands belong to the Indians, the amount awarded in any case shall be paid, to the said Chief Officer, for the use of such Tribe or Body ;

As to lands belonging to Her Majesty, &c. *Thirty-firstly.* Whenever it is necessary for the Company to occupy any part of the lands belonging to the Queen, reserved for Naval or Military purposes, they shall first apply for and obtain the license or consent of Her Majesty, under the Hand and Seal of the Governor and having obtained such license and consent, they may at any time or times enter into and enjoy any of the said lands for the purposes of the Railway ; but in the case of any such Naval or Military Reserves, no such license or consent shall be given except upon a Report first made thereupon by the Naval or Military authorities in which such lands are for the time being vested, approving of such license and consent being so given as aforesaid. 14, 15 V. c. 51, s. 11.

7. HIGHWAYS AND BRIDGES.

12. The Highways and Bridges shall be regulated as follows : 14, 15 V. c. 51, s. 12.

Firstly. The Railway shall not be carried along an existing highway, but merely cross the same in the line of the Railway, unless leave has been obtained from the proper Municipal authority therefor ; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, replacing the highway, under a penalty of not less than forty dollars for any contravention ; but, in either case, the rail itself, provided it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction ;

Secondly. No part of the Railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch ; and the Railway may be carried across or above any highway within the limits aforesaid ;

Thirdly. The space of the arch of any bridge erected for carrying the Railway over or across any highway shall at all times be, and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch of not less than twelve feet ; and the descent under any such bridge shall not exceed one foot in twenty feet ;

Fourthly. The ascent of all bridges erected to carry any highway over any Railway shall not be more than one foot in twenty feet increase over the natural ascent of the highway ; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge ;

Fifthly. Signboards stretching across the highway crossed at a level by any Railway, shall be erected and kept up at each Crossing at such height as to leave sixteen feet from

the highway to the lower edge of the signboard, and having the words "Railway Crossing" painted on each side of the signboard, and in letters not less than six inches in length; and for every neglect to comply with the requirements of this clause, a penalty not exceeding forty dollars shall be incurred. 14, 15 V. c. 51, s. 12.

8. FENCES.

Fences to be erected on each side of Railway.

13. Fences shall be erected and maintained on each side of the Railway, of the height and strength of an ordinary division fence, with openings, or gates, or bars therein at farm crossings of the Road, for the use of the proprietors of the lands adjoining the Railway; and also cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the Railway. 14, 15 V. c. 51, s. 13.

Meaning of certain words.

14. The said words "openings, gates or bars," shall be held to mean and shall in all cases imply sliding gates commonly called hurdle gates, with proper fastenings; but this shall not be interpreted to the profit of those proprietors and tenants of land crossed by Railways in this Province, who had received compensation from the Railway Companies, for having omitted the erection of such gates before the tenth of June, one thousand eight hundred and forty-seven, nor shall it in any way affect or apply to any Railway constructed or in part constructed, on the tenth of June, one thousand eight hundred and forty-seven, but the same shall apply only to such Railways as may be constructed or commenced after that day. 20 V. c. 35, s. 1.

Liability of Company until cattle guards erected.

15. Until such fences and cattle guards are duly made, the Company shall be liable for all damages which may be done by their trains or engines to cattle, horses or other animals on the Railway. 14, 15 V. c. 51, s. 13.

When to be exempted.

16. After the fences or guards have been duly made, and while they are duly maintained, no such liability shall accrue for any such damages, unless negligently or wilfully done. 14, 15 V. c. 51, s. 13.

Persons pro-

17. If any person rides, leads or drives any horse or

other animal upon such Railway, and within the fences and guards, other than the farm crossings, without the consent of the Company, he shall for every such offence forfeit a sum not exceeding forty dollars, and shall also pay to the party aggrieved all damages sustained thereby. 14, 15 V. c. 51, s. 13.

18. No person other than those connected with, or employed by the Railway, shall walk along the track thereof, except where the same is laid across or along a Highway. 14, 15 V. c. 51, s. 13, No. 1.

19. Within six months after any lands have been taken for the use of the Railway, and if thereunto required by the proprietors of the adjoining lands respectively, but not otherwise, the Company shall, at their own costs and charges, set and make on the lands so taken, and from time to time, maintain and support and keep in repair, a sufficient post or rail, hedge, ditch, bank or other fence sufficient to keep off hogs, sheep and cattle and thereby divide and separate and keep constantly divided and separated such lands from the lands or grounds adjoining thereto. 14, 15 V. c. 51, s. 13, No. 2.

9. TOLLS.

20. Tolls shall be from time to time fixed and regulated by the By-laws of the Company, or by the Directors, if thereunto authorized by the By-laws, or by the Shareholders, at any general meeting, and may be demanded and received for all passengers and goods transported upon the Railway or in the Steam Vessels to the undertaking belonging, and shall be paid to such persons and at such places near to the Railway, in such manner and under such regulations as the By-laws direct. 14, 15 V. c. 51, s. 14.

21. In case of denial or neglect of payment on demand of any such Tolls, or any part thereof, to such persons, the same may be sued for and recovered in any competent Court, or the Agents or servants of the Company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof;

and in the meantime the said goods shall be at the risk of the owners thereof. 14, 15 V. c. 51, s. 14.

When if tolls
not paid, goods
distrained may
be sold.

22. If the tolls are not paid within six weeks, the Company may sell the whole or any part of such goods, and out of the money arising from such sale retain the tolls payable, and all charges and expenses of such detention and sale; rendering the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto. 14, 15 V. c. 51, s. 14.

When goods
distrained or
detained, may
be sold.

23. If any goods remain in the possession of the Company unclaimed for the space of twelve months, the Company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Canada Gazette*, and in such other papers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the Company for a further period of three months, to be paid over to any party entitled thereto. 14, 15 V. c. 51, s. 14.

How balance
to be disposed
of.

24. In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Receiver General, to be applied to the general purposes of the Province, until claimed by the party entitled thereto. 14, 15 V. c. 51, s. 14.

Tolls—how
raised—or re-
duced.

25. All or any of the tolls may, by any By-law, be reduced and again raised as often as deemed necessary for the interests of the undertaking; Provided that the same tolls shall be payable at the same time and under the same circumstances upon all goods and by all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any By-laws relating to the tolls. 14, 15 V. c. 51, s. 14.

A fraction of
a mile to be
considered as
a whole one in
charging tolls.

26. In all cases, a fraction in the distance over which goods or passengers are transported on the Railway shall be considered as a whole mile; and for a fraction of a ton in the weight of any goods, a proportion of the tolls shall

be demanded and taken, according to the number of quarters of a ton contained therein, and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton. 14, 15 V. c. 51, s. 14.

27. The Directors shall, from time to time, print and stick up, or cause to be printed and stuck up, in the office, and in all and every of the places where the tolls are to be collected, and in every passenger car, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularising the price or sum of money to be charged or taken for the carriage of any matter or thing. 14, 15 V. c. 51, s. 14.

Table of tolls to be stuck up in offices and cars.

28. No tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of the By-law establishing such tolls, and of the Order in Council approving thereof. 14, 15 V. c. 51, s. 14. See 10, 11 V. c. 63, s. 14.

Tolls to be approved of by the Governor.

29. Every By-law fixing and regulating tolls shall be subject to revision by the Governor in Council from time to time, after approval thereof as aforesaid; and after an Order in Council, reducing the tolls fixed and regulated by any By-law, has been twice published in the *Canada Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the By-law so long as the Order in Council remains unrevoked. 14, 15 V. c. 51, s. 14.

The Governor may revise By-laws fixing tolls.

10. GENERAL MEETINGS.

30. The Shareholders may assemble together at general meetings for purposes connected with or belonging to the undertaking, and at any annual general meeting, and may elect Directors in the manner provided by the next succeeding clause. 14, 15 V. c. 51, s. 15.

Shareholders may hold general meetings.

11. PRESIDENT AND DIRECTORS—THEIR ELECTION AND DUTIES.

31. A Board of Directors of the undertaking to manage its affairs, the number whereof shall be stated in the Special Act, shall be chosen annually by a majority of the

Board of Directors.

Shareholders voting at such election at a general meeting, the time and place for which shall be appointed by the Special Act, and if such election is not held on the day so appointed, the Directors shall notify and cause such election to be held within thirty days after the day appointed. 14, 15 V. c. 51, s. 16.

Who entitled
to vote.

32. On the day so notified, no person shall be admitted to vote except those who would have been entitled to vote had the election be held on the day when it ought to have been held. 14, 15 V. c. 51, s. 16.

Vacancies how
to be filled up.

33. Vacancies in the Board of Directors shall be filled in the manner prescribed by the By-laws. 14, 15 V. c. 51, s. 16.

Who qualified
to be a Di-
rector.

34. No person shall be a Director unless he is a Stockholder, owning stock absolutely in his own right, and qualified to vote for Directors at the election at which he is chosen. 14, 15 V. c. 51, s. 16.

Calling of spe-
cial meetings,
&c.

35. The method of calling general meetings, and the time and place of the first meeting of Stockholders for the appointment of Directors, shall be determined and settled in the Special Act.

Votes to be in
proportion to
shares.

36. The number of votes to which each Shareholder shall be entitled on every occasion when the votes of the members are to be given, shall be in the proportion to the number of shares held by him, unless otherwise provided by the Special Act.

Shareholders
may vote by
proxy.

37. All Shareholders, whether resident in this Province or elsewhere, may vote by proxy, if they see fit; Provided that such proxy produce, from his constituent an appointment in writing, in the words or to the effect following, that is to say :

I, _____, of _____, one of the Shareholders of the _____, do hereby appoint _____, of _____, to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the said undertaking, that may be mentioned or proposed at any meeting of the Shareholders of the said Com-

pany, or any of them, in such manner as he, the said
 , thinks proper. In witness whereof, I
 have hereunto set my hand and seal, the
 day of , in the year

38. The votes by proxy shall be as valid as if the prin- ^{Votes by}
 cipals had voted in person; and every matter or thing ^{proxy to be}
 proposed or considered in any public meeting of the ^{valid.}
 Shareholders shall be determined by the majority of votes
 and proxies then present and given, and all decisions and
 acts of any such majority shall bind the Company, and be
 deemed the decisions and acts of the Company.

39. The Directors first appointed, or those appointed in ^{Term of office}
 their stead, in case of vacancy, shall remain in office until ^{of Directors.}
 the next annual election of Directors at the time appointed
 therefor, at which time an annual general meeting of the
 Shareholders shall be held to choose Directors for the en-
 suing year, and generally to transact the business of the
 Company.

40. In case of the death, absence or resignation of any ^{Vacancies how}
 of the Directors, others may be appointed in their stead by ^{supplied.}
 the surviving Directors; but if such appointment be not
 made, such death, absence or resignation shall not in-
 validate the acts of the remaining Directors. 14, 15 V. c. 51,
 s. 16.

41. The Directors shall, at their first or at some other ^{President.}
 meeting, after the day appointed for the annual general
 meeting, elect one of their number to be the President of
 the Company, who shall always, when present, be the
 Chairman of and preside at all meetings of the Directors,
 and shall hold his office until he ceases to be a Director, or
 until another President has been elected in his stead; and
 they may in like manner elect a Vice-President, who shall ^{Vice-Presi-}
 act as Chairman in the absence of the President. ^{dent.}

42. The Directors at any meeting at which not less ^{Quorum.}
 than a quorum, to be settled by the Special Act, are
 present, shall be competent to use and exercise all and any
 of the powers vested in the Directors.

43. The act of a majority of a quorum of the Directors ^{Acts of majo-}

ity to bind the whole. present at any meeting regularly held, shall be deemed the act of the Directors. *Ibid.*, s. 16, No. 7.

Casting vote. **44.** No Director shall have more than one vote at any meeting except the Chairman, who shall, in case of a division of equal numbers, have the casting vote.

Directors to be subject to Shareholders and By-laws.

45. The Directors shall be subject to the examination and control of the Shareholders at their annual meetings, and be subject to all By-laws of the Company, and to the orders and directions from time to time made at the annual or at any special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the Special Act.

Officers of Company cannot be Directors.

46. No person holding any office, place or employment in or being concerned or interested in any contracts under or with the Company, shall be capable of being chosen a Director, or of holding the office of Director, "nor shall any person being a Director of the Company enter into, or be directly or indirectly, for his own use and benefit, interested in any contract with the Company, not relating to the purchase of land necessary for the Railway or be or become a partner of any contractor with the Company ; and no contracts for works of construction or maintenance of Railways, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to the work required to be done ; but no Company shall be compelled to accept of any such tender ; and in the event of any such contract made since the thirtieth of June, one thousand eight hundred and fifty-eight, or made after this Act takes effect, by or on behalf of any Director, an action shall lie in any Court of Common Law, or other Court of competent jurisdiction against such Director, at the suit of any Shareholder or Stockholder of the Company, for the benefit of the funds thereof, for the whole amount of profit accruing to such Director from the Contract so made or fulfilled." 14, 15 V. c. 51, s. 16, No. 8.—22 V. c. 4, s. 1.

By-laws for

47. The Directors shall make By-laws for the manage-

ment and disposition of the stock, property, business and ^{management} affairs of the Company, not inconsistent with the laws of ^{of stock, &c.} this Province, and for the appointment of all officers, servants and artificers, and prescribing their respective duties. *Ibid.*, s. 16, No. 9.

12. CALLS.

48. The Directors may from time to time make such Calls. calls of money upon the respective Shareholders, in respect of the amount of Capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the Special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year, than the amount prescribed in the Special Act. *Ibid.*, No. 10.

49. All notices of meetings or of calls upon the Share- ^{Notice of} holders of the Company shall be published weekly in the ^{meetings how} *Canada Gazette*, and the said *Gazette* shall, on production ^{published.} thereof, be conclusive evidence of the sufficiency of such notices. *Ibid.*, No. 24.

50. Every Shareholder shall be liable to pay the amount ^{Payment of} of the call so made in respect of the shares held by him ^{calls how to be} to the persons and at the times and places from time to ^{made.} time appointed by the Company or the Directors.

51. If before or on the day appointed for payment, any ^{Interest to be} Shareholder does not pay the amount of the call, he shall ^{chargeable on} be liable to pay interest for the same, at the rate of six per ^{unpaid calls.} centum per annum, from the day appointed for the payment thereof to the time of the actual payment.

52. If at the time appointed for the payment of any ^{Amount of call} call, any Shareholder fails to pay the amount of the call, ^{may be reco-} he may be sued for the same, in any Court of Law or ^{vered by suit.} Equity having competent jurisdiction, and the same may be recovered with lawful interest from the day on which the call became payable.

53. In any action or suit to recover any money due ^{What formali-}

ties necessary in actions for calls. upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the Defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action had accrued to the Company by virtue of the Special Act.

Certificate of proprietorship *prima facie* evidence. **54.** The Certificate of Proprietorship of any share shall be admitted in all Courts, as *prima facie* evidence of the title of any Shareholder, his executors, administrators, successors or assigns, to the share therein specified.

55. But the want of such Certificate shall not prevent the holder of any share from disposing thereof.

Penalty for refusal to pay calls. **56.** Any persons neglecting or refusing to pay a rateable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit their respective shares in the undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the Company for the benefit thereof.

Forfeiture of share to be taken advantage of only at a general meeting. **57.** No advantage shall be taken of the forfeiture, unless the same is declared to be forfeited at a General Meeting of the Company, assembled at any time after such forfeiture incurred.

Effect of forfeiture as to liabilities. **58.** Every such forfeiture shall be an indemnification to and for every Shareholder so forfeiting against all actions, suits or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such Shareholder and the other Shareholders with regard to carrying on the undertaking.

Directors may sell forfeited shares by auction. **59.** The Directors may sell, either by public auction or private sale, and in such manner and on such terms as to them seem meet, any shares so declared to be forfeited, and also any shares remaining unsubscribed for in the Capital Stock of the Company, or pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed or advanced by or to the Company.

60. A Certificate of the Treasurer of the Company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact, and of their purchase by the purchaser, and such certificate with the receipt of the Treasurer for the price of such shares, shall constitute a good title to the shares, and the Certificate shall be by the said Treasurer enregistered in the name and with the place of abode and occupation of the purchasers, and shall be entered in the Books required to be kept by the By-laws of the Company, and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any Shareholder may purchase any shares so sold.

Certificate of Treasurer to be evidence of forfeiture and of title.

61. Shareholders willing to advance the amount of their shares, or any part of the money due upon the respective shares beyond the sums actually called for, may pay the same, and upon the principal moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the Company may pay interest at the legal rate of interest for the time being, as the Shareholders paying such sum in advance and the Company agree upon; but such interest shall not be paid out of the Capital subscribed.

Interest may be allowed to Shareholders paying money in advance on their shares.

62. The Directors shall cause to be kept, and annually on the thirty-first day of December shall cause to be made up and balanced, a true, exact and particular account of the money collected and received by the Company, or by the Directors or Managers thereof, or otherwise, for the use of the Company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the Company or the Directors.

Directors to cause annual accounts to be kept.

63. At the general meetings of the Shareholders of the undertaking, from time to time holden, a dividend shall be made out of the clear profits of the undertaking, unless such meetings declare otherwise.

Declaration of dividend.



At so much
per share.

64. Such dividend shall be at and after the rate of so much per share upon the several shares held by the Shareholders in the stock of the Company, as such meeting think fit to appoint or determine.

Dividends not
to impair the
Capital.

65. No dividend shall be made whereby the capital of the Company is in any degree reduced or impaired, or be paid thereout, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof until such call has been paid.

Directors may
pay interest on
sums called up
in respect of
shares.

66. The Directors may, in their discretion, until the Railroad is completed and opened to the public, pay interest at any rate not exceeding six dollars per hundred dollars per annum, on all sums called up in respect of the shares, from the respective days on which the same have been paid, such interest to accrue and be paid at such times and places as the Directors appoint for that purpose.

No interest on
Shares in
arrear.

67. No interest shall accrue to the proprietors of any share upon which any call is in arrear in respect of such shares or any other share to be holden by the same Shareholder while such call remains unpaid, nor shall any interest be paid or taken from the capital subscribed.

May appoint
officers.

68. The Directors shall from time to time appoint such Officers as they deem requisite, and shall take sufficient security, by one or more penal Bonds, or otherwise, from the Manager and Officers for the time being, for the safe keeping and accounting by them respectively of the moneys raised by virtue of this Act and the Special Act, and for the faithful execution of their offices, as the Directors think proper.

Vice-Presi-
dent to act in
the absence of
the President.

69. In case of the absence or illness of the President, the Vice-President shall have all the rights and powers of the President, and may sign all Notes, Bills, Debentures, and other Instruments, and perform all acts which by the Regulations and By-laws of the Company or by the Acts incorporating the Company are required to be signed, performed and done by the President.

Absence of
President may
be entered in

70. The Directors may at any meeting require the Secretary to enter such absence or illness among the proceed-

ings of such meeting, and a Certificate thereof signed by the minutes, the Secretary shall be delivered to any person or persons ^{and certified, &c.} requiring the same on payment to the Treasurer of one dollar, and such Certificate shall be taken and considered as *prima facie* evidence of such absence or illness, at and during the period in the said Certificate mentioned, in all proceedings in Courts of Justice or otherwise. 14, 15 V. c. 51. s. 16.

13. SHARES AND THEIR TRANSFER.

71. Shares in the undertaking may, by the parties, be ^{Shareholders} sold and disposed of by instrument in writing, to be made ^{may dispose of} in duplicate, one part of which shall be delivered to the ^{shares.} Directors, to be filed and kept for the use of the Company, and an entry thereof shall be made in a Book to be kept for that purpose; and no interest on the shares transferred shall be paid by the purchaser until such duplicate is so delivered, filed and entered. 14, 15 V. c. 51, s. 17.

72. Sales shall be in the form following, varying the ^{Form of sale.} names and descriptions of the contracting parties, as the case may require:

I, A. B., in consideration of the sum of _____, paid to me, by C. D., hereby do sell and transfer to him share (or shares) of the stock of the _____, to hold to him the said C. D. his Heirs, Executors, Administrators and Assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution thereof. And I, the said C. D. do hereby agree to accept of the said _____ share (or shares) subject to the same rules, orders and conditions. Witness our hands
this _____ day of _____ in the year 18 _____

73. The Stock of the Company shall be deemed personal ^{Stock to be} estate, but no shares shall be transferable until all previous ^{personal estate} calls thereon have been fully paid in, or the said shares ^{—Transfer of.} have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid. 14, 15 V. c. 51, s. 17.

74. If any share in the Company be transmitted by the ^{Transmission} death, bankruptcy or last will, donation or testament, or of shares other

than by transfer, provided for.

by the intestacy of any Shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the party to whom such share is so transmitted, shall deposit in the office of the Company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary, and without which such party shall not be entitled to receive any share of the profits of the Company, nor vote in respect of any such share as the holder thereof. 14, 15 V. c. 51, s. 17.

14. MUNICIPALITIES.

Municipal Corporations may take stock.

75. Municipal Corporations in this Province may subscribe for any number of shares in the Capital Stock of, or lend to or guarantee the payment of any sum of money borrowed by the Company from any Corporation or person, or indorse or guarantee the payment of any Debenture to be issued by the Company for the money by them borrowed, and may assess and levy from time to time upon the whole rateable property of the Municipality a sufficient sum for them to discharge the debt or engagement so contracted, and for the like purpose may issue Debentures payable at such times and for such sum respectively, not less than twenty dollars, and bearing or not bearing interest, as such Municipal Corporation thinks meet. 14, 15 V. c. 51, s. 18.

Debentures issued by them to be binding.

76. Any such Debenture issued, indorsed or guaranteed, shall be valid, and binding upon the Municipal Corporation, if signed or indorsed, and countersigned by the officer or person, and in such manner and form as directed by any By-law of the Corporation, and the Corporation Seal thereto shall not be necessary, nor the observance of any other form with regard to the Debentures than such as directed in the By-law. 14, 15 V. c. 51, s. 18.

They cannot subscribe for stock unless By-laws are made for that purpose.

77. No Municipal Corporation shall subscribe for Stock or incur any debt or liability under this Act or the Special Act, unless and until a By-law to that effect has been duly made, and adopted with the consent first had of a majority of the qualified electors of the Municipality, to

be ascertained in the manner determined by the By-law, after public advertisement thereof containing a copy of such proposed By-law, inserted at least four times in each newspaper printed within the limits of the Municipality, or if none be printed therein, then in some one or more newspapers printed in the nearest City or Town thereto and circulated therein, and also put up in at least four of the most public places in each Municipality. 14, 15 V. c. 51, s. 18.

78. The Mayor, Warden or Reeve, being the Head of such Municipal Corporation, subscribing for and holding Stock in the Company, to the amount of Twenty Thousand Dollars, or upwards, shall be *ex officio* one of the Directors of the Company, in addition to the number of Directors authorized by the Special Act, and shall have the same rights, powers and duties as any of the Directors of the Company. 14, 15 V. c. 51, s. 18.

Mayor, &c., to be *ex officio*, a Director in certain cases.

79. No such Mayor, Warden, Reeve or other chief officer or other person representing any Municipality having or taking Stock in any Railway Company shall, directly or indirectly, vote on the election or appointment of the Private Directors of any Railway Company incorporated previous to or during the Session held in the sixteenth year of Her Majesty's Reign, unless the Special Act of Incorporation of such Company expressly provides therefor. 16 V. c. 169, s. 5.

Mayor, &c., not to vote for Directors of Companies incorporated before 14th June, 1853.

15. SHAREHOLDERS.

80. Each Shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the Stock held by him, for the debts and liabilities thereof, and until the whole amount of his Stock has been paid up; but shall not be liable to an action therefor before an execution against the Company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such Shareholder. 14, 15 V. c. 51, s. 19.

Shareholders individually liable.

81. The original Capital Stock may be increased from time to time to any amount, but such increase must be

Stock may be increased.

sanctioned by a vote in person or by proxy, of at least two-thirds in amount of all the Shareholders, at a meeting of them expressly called by the Directors for that purpose, by a notice in writing to each Shareholder, served on him personally, or properly directed to him, and deposited in the Post Office nearest to his place of residence, at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase, and the proceedings of such meeting must be entered on the Minutes of the proceedings, and thereupon, the Capital Stock may be increased to the amount sanctioned by such a vote. 14, 15 V. c. 51, s. 19.

Company not
to take stock
in other com-
panies.

82. The funds of the Company shall not be employed in the purchase of any Stock in their own or in any other Company. 14, 15 V. c. 51, s. 19.

16. ACTIONS FOR INDEMNITY, AND FINES AND PENALTIES AND THEIR PROSECUTION.

Limitation of
actions for
damages.

83. All suits for indemnity for any damage or injury sustained by reason of the Railway, shall be instituted within six months next after the time of such supposed damage sustained, or if there be continuation of damage, then within six months next after the doing or committing such damage ceases, and not afterwards; and the Defendants may plead the general issue and give this Act and the Special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act and the Special Act. 14, 15 V. c. 51, s. 20.

Penalty on
persons ob-
structing free
use of Rail-
way.

84. Every person who, by any means or in any manner or way whatsoever, obstructs or interrupts the free use of the Railway, or the carriages, vessels, engines or other works incidental or relative thereto, or connected therewith, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the common Gaol of the District or County where the conviction takes place, or in the Provincial Penitentiary, for a term not to exceed five years. 14, 15 V. c. 51, s. 20.

Penalty on

85. All persons wilfully and maliciously, and to the

prejudice of the Railway, breaking, throwing down, ^{persons} damaging or destroying the same, or any part thereof, or ^{damaging} any of the buildings, stations, depots, wharves, vessels, ^{Railway.} fixtures, machinery or other works or devices incidental and relative thereto, or connected therewith, or doing any other wilful hurt or mischief, or wilfully or maliciously obstructing or interrupting the free use of the Railway, vessels or works, or obstructing, hindering or preventing the carrying on, completing, supporting and maintaining the Railway, vessels or works, shall be guilty of a misdemeanor, unless the offence committed amounts, under some other Act or Law, to a felony, in which case such person shall be guilty of a felony, and the Court by and before whom the person is tried and convicted, may cause such person to be punished in like manner as persons guilty of misdemeanor or felony (*as the case may be*) are directed to be punished by the laws in force in this Province. 14, 15 V. c. 51, s. 20.

86. All fines and forfeitures imposed by this Act or the Special Act, or by any By-law, the levying and recovering ^{Fines how re-} of which are not particularly herein directed, shall, upon proof of the offence before any one or more Justice or Justices of the peace for the District, County or place where the act occurred, either by the confession of the party, or by the oath or affirmation of any one credible witness, to be administered without fee or reward, be levied by distress and sale of the offender's goods and chattels, by Warrant under the hand and seal or hands and seals of such Justice or Justices. 14, 15 V. c. 51, s. 20.

87. All fines, forfeitures and penalties, the application ^{How applic-} whereof is not hereinbefore particularly directed, shall be ^{able.} paid into the hands of the Treasurer of the Company, to be applied to the use thereof, and the overplus of the money so raised, after deducting the penalty and the expenses of the levying and recovering thereof, shall be returned to the owner of the goods so distrained and sold. 14, 15 V. c. 51, s. 20.

88. In case sufficient goods and chattels whereof to ^{When party} levy the penalty and expense, are not found, the offender ^{may be com-} shall be sent to the common Gaol for the County or ^{mitted.}

District in which he has been convicted, there to remain without bail or mainprize, for such term, not exceeding one month, as the Justice or Justices think proper, unless the penalty or forfeiture, and all expenses attending the same, be sooner paid and satisfied.

Appeal.

89. Every such person or persons may, within four months after the conviction, appeal against the same to the Court of General Quarter Sessions, to be holden in and for the County or District. 14, 15 V. c. 51, s. 20.

Contravention of this Act, &c., to be a misdemeanor.

90. All contraventions of this Act or of the Special Act, by the Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the Company, if they be the offending party, from the forfeiture by this Act and the Special Act, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention. 14, 15 V. c. 51, s. 20.

17. BY-LAWS, NOTICES, &c.

By-laws to be put into writing and signed by Chairman.

91. All By-laws, Rules and Orders regularly made, shall be put into writing and signed by the Chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the Company; and a printed copy of so much of them as relates to or affects any party other than the members or servants of the Company shall be affixed openly in all and every passenger car, and in all and every place where tolls are to be gathered, and in like manner so often as any change or alteration is made to the same; and any copy of the same, or of any of them, certified as correct by the President or Secretary, shall be deemed authentic, and shall be received as evidence thereof in any Court, without further proof. 14, 15 V. c. 51, s. 20, No. 6.

By-laws to be submitted to Governor.

92. All such By-laws, Rules and Orders shall be submitted from time to time to the Governor, for approval. 14, 15 V. c. 51, s. 20.

Copies of Mi-

93. Copies of the Minutes of proceedings and reso-

lutions of the Shareholders of the Company, at any general or special meeting, and of the Minutes of proceedings and resolutions of the Directors, at their meetings, extracted from the Minute-books kept by the Secretary of the Company, and by him certified to be true copies, extracted from such Minute-books, shall be *prima facie* evidence of such proceedings and resolutions in all Courts of civil jurisdiction.

94. All notices given by the Secretary of the Company, by order of the Directors, shall be deemed notices by the Directors and Company. 14, 15 V. c. 51, s. 20.

18. WORKING OF THE RAILWAY.

95. Every servant of the undertaking employed in a passenger train or at a station for passengers, shall wear upon his hat or cap, a badge, which shall indicate his office, and he shall not without such badge be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, nor meddle or interfere with any passenger or his baggage or property. 14, 15 V. c. 51, s. 21.

96. The trains shall start and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other Railways and at usual stopping places established for receiving and discharging way-passengers and goods from the trains. 14, 15 V. c. 51, s. 21.

97. Such passengers and goods shall be taken, transported and discharged, at, from, and to such places, on the due payment of the toll, freight or fare legally authorized therefor. 14, 15 V. c. 51, s. 21.

98. The party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the Company. 14, 15 V. c. 51, s. 21.

99. Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture

notes to be
prima facie
evidence.

Notices by Se-
cretary, valid.

Servants to
wear badges.

Trains to start
at regular
hours.

Passengers
and goods to
be carried on
payment of
fare or freight.

The Company
liable for ne-
glect or re-
fusal.

Checks to be
fixed on par-
cels.

of any kind thereupon, and a duplicate of such Check shall be given to the passenger delivering the same. 14, 15 V. c. 51, s. 21.

Penalty for
refusing to
give Checks.

100. If such Check be refused on demand, the Company shall pay to such passenger the sum of eight dollars, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger, and if he has paid his fare, the same shall be refunded by the Conductor in charge of the train. 14, 15 V. c. 51, s. 21.

Passenger a
witness in his
own behalf.

101. Any passenger producing such Check, may himself be a witness in any suit brought by him against the Company, to prove the contents and value of his baggage not delivered to him. 14, 15 V. c. 51, s. 21.

Baggage cars
not to be in
rear of pas-
senger cars.

102. The baggage, freight, merchandize or lumber cars shall not be placed in rear of the passenger cars, and if any such be so placed, the officer or agent directing or knowingly suffering such arrangement, and the conductor of the train, shall severally be guilty of a misdemeanor, and be punished accordingly. 14, 15 V. c. 51, s. 21.

Locomotives to
have bells or
steam whistles.

103. Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, or with a steam whistle. 14, 15 V. c. 51, s. 21.

To be rung or
sounded at
every cross-
ing, &c.

104. The bell shall be rung, or the whistle sounded at the distance of at least eighty rods from every place where the Railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway, under a penalty of eight dollars for every neglect thereof, to be paid by the Company, who shall also be liable for all damages sustained by any person by reason of such neglect, one half of which penalty and damages shall be chargeable to and collected by the Company from the Engineer having charge of such engine and neglecting to sound the whistle or ring the bell as aforesaid. 14, 15 V. c. 51, s. 21.

Intoxication of
conductor a
misdemeanor.

105. All persons in charge of a locomotive engine, or acting as the conductor of a car or train of cars, who is intoxicated shall be deemed guilty of a misdemeanor. 14, 15 V. c. 51, s. 21.

106. Any Passenger refusing to pay his fare, and his baggage, may, by the conductor of the train and the servants of the Company, be put out of the cars, at any usual stopping place, or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force. 14, 15 V. c. 51, s. 21.

Passenger refusing to pay fare may be put out.

107. Any passenger injured while on the platform of a car, or on any baggage, wood, or freight car, in violation of the printed regulations posted up at the time in a conspicuous place inside of the passenger cars then in the train, shall have no claim for the injury, provided room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time. 14, 15 V. c. 51, s. 21.

Passengers to have no claim if injured when on platform of cars, &c.

19. GENERAL PROVISIONS.

108. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the party in whose name any share stands in the Books of the Company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the Register of Shareholders shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the Company have had notice of the trusts, and the Company shall not be bound to see to the application of the money paid upon such receipts. 14, 15 V. c. 51, s. 22.

Company not bound to see to execution of trusts.

109. Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others travelling on Her Majesty's service, shall at all times, when thereunto required by Her Majesty's Provincial Post-master General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, and with the whole resources of the Company if required, be carried on the Railway, on such terms and conditions, and under such regulations as the

Provision as to the carriage of Her Majesty's Mail, &c.

Governor in Council makes. 14, 15 V. c. 51, s. 22,—12 V. c. 28, s. 1.

110. The Governor, or any person thereunto authorized by him, may require the Company to place any Electric Telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service. 14, 15 V. c. 51, s. 22.

111. Any further enactments which the Legislature of this Province may hereafter make, for the carriage of the Mails or Her Majesty's Forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any Electric Telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the Special Act. 14, 15 V. c. 51, s. 22.

Account of
names and re-
sidence of
Shareholders
to be kept.

112. A true and perfect account of the names and places of abode of the several Shareholders shall be entered in a Book to be kept for that purpose, as well as of the several persons who from time to time become proprietors of, or entitled to any shares therein, and of all the other acts, proceedings and transactions of the Company and of the Directors for the time being. 14, 15 V. c. 51, s. 22.

Map, &c., of
Railway to be
filed in the
Board of
Works' Office.

113. A Map and Profile of the completed Railway and of the land taken or obtained for the use thereof, shall, within a reasonable time after completion of the undertaking, be made and filed in the office of the Commissioners of Public Works, and like maps of the parts thereof located in different Counties, shall be filed in the Registry Offices for the Counties in which such parts are respectively situate. 14, 15 V. c. 51, s. 22.

On what scale
and paper to
be drawn.

114. Every such Map shall be drawn on such a scale, and on such paper, as may from time to time be designated for that purpose by the Chief Commissioner of Public Works, and shall be certified and signed by the President or Engineer of the Corporation. 14, 15 V. c. 51, s. 22.

Account to be

115. After the opening of the Railway or any part

thereof to the public, and within the first fifteen days ^{submitted to} after the opening of each Session of the Provincial Parlia- ^{Legislature.} ment, an account shall be annually submitted to the three branches of the Legislature, containing a detailed and particular account, attested upon oath of the President, or in his absence of the Vice-President, of the moneys received and expended by the Company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement. 14, 15 V. c. 51, s. 22.

116. No further provisions which the Legislature may ^{Variation in} hereafter make with regard to the form or details of such ^{form or details} account or the mode of attesting or rendering the same, ^{may be made.} shall be deemed an infringement of the privileges hereby granted to the Company. 14, 15 V. c. 51, s. 22.

117. If the construction of the Railway be not com- ^{Ten per cent.} menced, and ten per cent. on the amount of the capital be ^{to be paid} not expended thereon, within three years after the passing ^{within three} of the Special Act, or if the Railway is not finished and ^{years from} put in operation in ten years from the passing of such ^{passing of} Special Act, the corporate existence and powers of the ^{Special Act.} Company shall cease. 14, 15 V. c. 51, s. 22.

118. The Legislature of this Province may from time to ^{When Parlia-} time reduce the tolls upon the Railway, but not without ^{ment may} consent of the Company, or so as to produce less than ^{reduce tolls on} fifteen per cent. per annum profit on the capital actually ^{Railways.} expended in its construction ; nor unless, on an examination made by the Commissioners of Public Works of the amount received and expended by the Company, the net income from all sources, for the year then last passed, is found to have exceeded fifteen per cent. upon the capital so actually expended. *Ibid.*

119. No person shall be entitled to carry or to require ^{As to goods of} the Company to carry upon their Railway, *aqua fortis*, oil ^{a dangerous} of vitriol, gunpowder, lucifer matches, or any other goods ^{nature.} which, in the judgment of the Company, may be of a dangerous nature ; and if any person sends by the said Railway any such goods without, at the time of so sending the said goods, distinctly marking their nature on the out-

side of the package containing the same, and otherwise giving notice in writing to the book-keeper or other servant of the Company with whom the same are left, he shall forfeit to the Company the sum of twenty dollars, for every such offence. *Ibid.*

Dangerous
goods may be
refused.

120. The Company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact. *Ibid.*

Forging De-
bentures, &c.,
deemed felony.

121. The offence of forging any debentures or a *coupon* of any debenture issued under the authority of this Act or of the Special Act, or of uttering any such debenture or *coupon*, knowing the same to be forged, or of being accessory before or after the fact to any such offence, shall be deemed felony, and be punished accordingly. *Ibid.*

Company
bound to make
and repair
fences, roads,
&c., in L. C.,
&c.

122. The Company shall make and keep in repair all fences, roads and water courses, and be subject to all municipal regulations and provisions in respect thereof in or for lands belonging to or held by the Company, and subject to any such regulations, or to any charges, public, municipal or local, as the case may be, in any county, parish or township in Lower Canada through which the Railway passes; and the Company may, in default or contravention thereof, be prosecuted therefor by the officers of the municipality, before the Commissioners Court or Circuit Court within the jurisdiction of which such fence, road or water course may be, and the service of the summons upon any clerk or officer in charge of the section of the Railway within the said jurisdiction, or at the nearest depot of the Railway, shall be good service upon the Company. *Ibid.*

Special Act to
be a public
Act.

123. Every Special Railway Act shall be a Public Act.

And may dis-
solve any Cor-
poration
formed under
this Act.

124. The Legislature may at any time annul or dissolve any corporation formed under this Act; but such dissolution shall not take away or impair any remedy given against any such corporation, its shareholders, officers or servants, for any liability which had been previously incurred. *Ibid.*

125. Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, or of any body politic, corporate or collegiate, such only excepted as are herein mentioned. *Ibid.* Saving of Her Majesty's Rights, &c.

126. No amendment or alteration in this Act shall be held to be an infringement of the rights of any company authorized to construct a railway by any Act passed on or since the 30th of August, 1851, or by any Act of this or any future Session with which this Act is incorporated. 14, 15 V. c. 51, s. 22.

GENERAL PROVISIONS FOR ALL RAILWAYS.

127. Unless otherwise provided, the following sections shall apply to every Railway made or to be made in this Province. 16 V. c. 169, s. 10. Interpretation.

20. POWERS.

128. Any Incorporated Railway Company may construct a branch or branches not exceeding six miles in length from any terminus or station of the Railway of such Company, whenever a By-law sanctioning the same has been passed by the Municipal Council of the Municipality within the limits of which such proposed branch is situate, and no such branch shall as to the quality and construction of the road, be subject to any of the restrictions contained in the special Act of Incorporation of such Company or in this Act, nor shall any thing in either of the said Acts authorize any Company to take for such branch any lands belonging to any party without the consent of such party first obtained. 16 V. c. 169, s. 9. Any Railway Company may construct Branch Railways, on certain conditions.

129. Any Railway Company desiring at any time to change the location of its line of Railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of Railway, or for any other purpose of public advantage, may make such change; and all and every the clauses of this Act shall refer as fully to the part of any such line of Railway so at any time changed or proposed to be changed as to the original line; but no Railway Company shall have any right to extend its line of Railway beyond the termini Changes may be made in the line of a Railway at any time for certain purposes.

mentioned in the Act incorporating such Company. 22 V. (1858) c. 4, s. 2.

But not without application to the Board of Railway Commissioners.

130. No Railway Company shall avail itself of any of the powers contained in the fifteenth sub-section of the ninth section of this Act without application to the Board of Railway Commissioners, constituted by the one hundred and seventy-eighth section of this Act, of which application notice in writing shall be given to any other Railway affected, by sending the same by mail, or otherwise, to the address of the President, Superintendent, Managing Director or Secretary of any such Railway Company, for approval, of the mode of crossing, union or intersection proposed; and when such approval has been obtained, it shall be lawful for either Railway, in case of disagreement as to the amount to be paid for compensation, to proceed for such compensation as provided in the said sub-section. 22 V. c. 4, s. 2,—14, 15 V. c. 51, s. 9, No. 15.

One Company may agree with another respecting traffic.

131. The Directors of any Railway Company may at any time; and from time to time, make and enter into any agreement or arrangement with any other company, either in this Province or elsewhere, for the regulation and interchange of Traffic passing to and from the Railways of the said companies, and for the working of the Traffic over the said Railways respectively, or for either of those objects separately, and for the division and apportionment of tolls, rates and charges in respect of such Traffic, and generally in relation to the management and working of the Railways, or any of them, or any part thereof, and of any Railway or Railways in connection therewith, for any term not exceeding twenty-one years, and to provide, either by proxy or otherwise, for the appointment of a Joint Committee or Committees for the better carrying into effect any such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two thirds of the Stockholders voting in person or by proxy. 22 V. c. 4, s. 2.

Application of the three last sections.

132. The provisions of the three last sections of this Act shall, from the time it takes effect apply to every Railway made or to be made in this Province, but shall not apply to any thing done before the thirtieth of June,

one thousand eight hundred and fifty-eight. 22 V. c. 4, s. 2.

21. LANDS AND THEIR VALUATION.

133. No Railway Company shall take possession of, use or occupy any lands vested in Her Majesty, without the consent of the Governor in Council; but with such consent any such company may take and appropriate for the use of their Railway and works, but not alienate, so much of the wild lands of the Crown lying on the route of the said Railway, as have not been granted or sold, and has may be necessary for their Railway, as also so much of the land covered with the waters of any Lake, River, Stream or Canal, or of their respective beds, as is necessary for making and completing and using their said Railway and Works, but nothing in this section contained, shall apply to the thirty and thirty-first paragraphs of the eleventh Section of this Act. 16 V. c. 169, s. 8.

Conditions on which the Company may carry their Railway across any Canal, Rivers, or navigable water.

22. RAILWAY GROUNDS TO BE KEPT IN ORDER.

134. Every Railway Company, whether any of the clauses or provisions of this Act be or be not incorporated with the Act incorporating such company, shall cause all cleared land or ground adjoining their Railway and belonging to such company, to be sown or laid down with grass or turf, and cause the same so far as may be in their power to be covered with grass or turf, if not already so covered, and cause all thistles and other noxious weeds growing on such land or ground, to be cut down and kept constantly cut down or to be rooted out of the same. 16 V. c. 169, s. 7.

Ground adjoining any Railway and belonging to the Company to be laid down with grass and cleared of weeds, &c.

135. If any Railway Company fails to comply with the requirements of the last preceding Section within twenty days after they have been required to comply with the same, by notice from the Mayor, Reeve or Chief Officer of the Municipality of the Township or county in which the land or ground lies, such company shall thereby incur a penalty of two dollars to the use of the Municipality for each day during which they neglect to do any thing which they are lawfully required to do by such notice,

Consequences of omitting to do so.

and the said Mayor, Reeve or Officer may cause all things to be done which the said company were lawfully required to do by such notice, and for that purpose may enter by himself and his assistants or workmen upon such lands or grounds, and such Municipality may recover the expenses and charges incurred in so doing, and the said penalty with costs of suit, in any Court having jurisdiction in civil cases to the amount sought to be recovered. 16 V. c. 169, s. 7.

23. HIGHWAYS AND BRIDGES.

Not to impede
navigation.

136. No such company shall cause any obstruction in or impede the free navigation of any river, stream or canal to or across or along which their Railway is carried. 16 V. c. 169, s. 8.

Railways
crossing Ri-
vers, &c., re-
gulated.

137. If the Railway be carried across any navigable river or canal, the company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw bridge or swing bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing bridge or draw bridge as the Governor in Council from time to time makes. 16 V. c. 169, s. 8.

Plans to be
submitted to
the Governor
in Council.

138. It shall not be lawful for any such company to construct any wharf, bridge, pier or other work upon or over any navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Governor in Council, and the same has been by him approved; and no deviation from such approved site and plan shall be made without his consent. 16 V. c. 169, s. 8. *Ante* s. 9, No. 3.

Exception
where special
powers given
by the Special
Act.

139. Nothing contained in the one hundred and thirty-third, one hundred and thirty-sixth, one hundred and thirty-seventh and one hundred and thirty-eighth sections, or in the thirtieth and thirty-first Paragraphs of the eleventh Sections of this Act, shall be construed to limit

or affect any power expressly given to any Railway Company by its special Act of Incorporation or any special Act amending the same. 16 V. c. 169, s. 8.

140. The Governor in Council, upon the Report of the Board of Railway Commissioners, may authorize or require any Railway Company to construct fixed and permanent bridges or to substitute such bridges in the place of the swing, draw or movable bridges on the line of such Railway, within such time as the Governor in Council directs; and for every day after the period so fixed during which the company uses such swing, draw or movable bridges, the company shall forfeit and pay to Her Majesty the sum of two hundred dollars; and it shall not be lawful for any Railway Company to substitute any swing, draw or other movable bridge in the place or stead of any fixed or permanent bridge already built and constructed without the consent of the Governor in Council previously had and obtained. 20 V. c. 12, s. 7.

Governor may order permanent bridges to be substituted for movable bridges.

141. In any case where a Railway commenced after the 27th May, 1857, is constructed or authorized to be constructed, across any turnpike road, street or other public highway, on the level, the Board of Railway Commissioners, if it appears to them necessary for the public safety, may, with the sanction of the Governor in Council, authorize and require the company to whom such Railway belongs, within such time as the said Board directs, to carry such road, street or highway either over or under the said Railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to the said Board the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at any such time applicable to the taking of land by Railway Companies and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of any land required for the construction of any works for effecting the alteration of such level crossing. 20 V. c. 12, s. 11.

Certain powers vested in Railway Commissioners, with respect to crossing public highways, on a level.

142. Every Railway Company shall station an officer at every point on their line crossed on a level by any other

Further precautions at level crossings.

Railway, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear. 20 V. c. 12, s. 11.

Further precautions when one Railway crosses another on a level ;

143. Every locomotive or Railway engine or train of cars, or any Railway, shall, before it crosses the track of any other Railway on a level, be stopped for at least the space of three minutes. 20 V. c. 12, s. 11.

Or runs through a city, town, &c.

144. No locomotive or Railway engine shall pass in or through any thickly peopled portion of any City, Town or Village at a speed greater than six miles per hour, unless the track is properly fenced. 20 V. c. 12, s. 11.

Or moves reversely.

145. Whenever any train of cars is moving reversely in any City, Town or Village, the locomotive being in the rear, the company shall station on the last car in the train a person who shall warn parties, standing on or crossing the tract of such Railway, of the approach of such train, under a penalty of one hundred dollars for any contravention of the above provisions. 20 V. c. 12, s. 11.

Foot passengers to use foot-bridge, if provided for that purpose at level crossings.

146. If the Board of Railway Commissioners order any Railway Company to erect at or near or in lieu of any level crossing of a turnpike road, or other public highway, a foot-bridge or foot-bridges over their Railway for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the Railway by means of such bridge or bridges, then, from and after the completion of such foot-bridge or foot-bridges so required to be erected, and while the company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road. 20 V. c. 12, s. 12.

No cattle to be allowed to be at large on any highway within half a mile of any Railway.

147. No horses, sheep, swine or other cattle, shall be permitted to be at large upon any highway within a half mile of the intersection of such highway with any Railway on grade, unless such cattle are in charge of some person or persons to prevent their loitering or stopping on such highway at such intersection. 20 V. c. 12, s. 16.

148. All cattle found at large in contravention of the last preceding section may, by any person finding the same at large, be impounded in the nearest pound to the place where the same are so found, and the pound-keeper with whom the same are so impounded shall detain the same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property. 20 V. c. 12, s. 16.

Such cattle may be impounded.

149. No person, any of whose cattle being at large, contrary to the provisions of the section aforesaid, are killed by any train at such point of intersection, shall have any action against any Railway Company in respect to the same being so killed. 20 V. c. 12, s. 16.

If killed owner not entitled to any action.

150. At every road and farm crossing on the grade of the Railways in this Province, the crossing shall be sufficiently fenced on both sides of such points, so as to allow the safe passage of the trains. 20 V. c. 12, s. 18.

Crossings to be fenced.

24. BY-LAWS REGULATING TOLLS.

151. The By-laws of every Railroad Company regulating the Tolls to be taken on such road, in the special Act respecting which a provision has been inserted that such Railroad should be subject to the provisions of any general Act relating to Railroads, shall be subject to the approval of the Governor in Council, and no By-law of any Railroad or Railway Company in this Province by which any Tolls are to be imposed or altered, or by which any party other than the Members, Officers and Servants of the Company are intended to be bound, shall have any force or effect until the same has been approved and sanctioned by the Governor in Council. 10, 11 W. c. 63, s. 14,—12 V. c. 28, s. 2.

By-laws imposing tolls to be approved by the Governor in Council.

25. PENAL CLAUSES.

152. If any person wilfully and maliciously displaces or removes any Railway switch or rail of any Railroad, or breaks down, rips up, injures or destroys any Railroad track or Railroad bridge or fence of any Railroad, or any portion thereof, or places any obstruction whatsoever on

Punishment of persons doing any thing to Railway with intent to injure persons or property.

And if such
damage be ac-
tually done.

any such rail or Railroad track, or bridge, with intent thereby to injure any person or property passing over or along such Railroad, or to endanger human life, such person shall be guilty of misdemeanor, and shall be punished by imprisonment with hard labor in the Common Gaol of the Territorial Division in which such offence is committed or tried, for any period not exceeding one year from conviction thereof; and if in consequence of such act done with the intent aforesaid, any person so passing over and along such Railroad, actually suffers any bodily harm, or if any property passing over and along such Railroad be injured, such suffering or injury shall be an aggravation of the offence, and shall render the offence a felony, and shall subject the offender to punishment by imprisonment in the Penitentiary for two years or in any other prison or place of confinement for any period exceeding one year and less than two years. 16 V. c. 169, s. 1.

And if any
person be kill-
ed or his life
be lost, the
offence to be
manslaughter.

Punishment.

153. If any person wilfully and maliciously displaces or removes any Railway switch or rail of any Railroad, or breaks down, rips up, injures or destroys any Railroad track or Railroad bridge or fence of any Railroad or any portion thereof, or places any obstruction whatever or any such rail or Railroad track or bridge, or does or causes to be done any act whatever whereby any engine, machine or structure, or any matter or thing appertaining thereto is stopped, obstructed, impaired, weakened, injured or destroyed with intent thereby to injure any person or property passing over or along such Railroad, and if in consequence thereof any person be killed or his life be lost, such person so offending shall be guilty of manslaughter, and being found guilty, shall be punished by imprisonment in the Penitentiary for any period not more than ten nor less than four years. 16 V. c. 169, s. 2.

Committing
any injury,
stoppage, &c.,
to be a misde-
meanor.

154. If any person wilfully and maliciously does or causes to be done, any act whatever whereby any building, fence, construction or work of any Railroad, or any engine, machine or structure of any Railroad, or any matter or thing appertaining to the same is stopped, obstructed, impaired, weakened, injured or destroyed, the person so

offending shall be guilty of a misdemeanor, and be punished by imprisonment with hard labor not exceeding one year, in the Common Gaol of the Territorial Division in which the offence was committed or has been tried. 16 V. c. 169, s. 3.

155. Every person wilfully obstructing any Railway Inspector in the execution of his duty shall, on conviction before a Justice of the Peace having jurisdiction in the place where the offence has been committed, forfeit and pay for every such offence any sum not exceeding forty dollars, and in default of payment of any penalty so adjudged, immediately, or within such time as the said Justice of the Peace appoints, the same Justice, or any other Justice having jurisdiction in the place where the offender resides, may commit the offender to prison for any period not exceeding three months; but such commitment shall be determined on payment of the amount of the penalty; and every such penalty shall be returned to the next ensuing Court of Quarter Sessions in the usual manner. 20 V. c. 12, s. 3.

Punishment of persons obstructing Inspectors in the execution of their duty.

156. Every Railway Company shall, as soon as possible after the receipt of any order or notice of the Board of Railway Commissioners, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in the one hundred and sixty-third section of this Act. 20 V. c. 12, s. 15.

Company to notify orders of Board to its officers, &c.

157. All orders of the said Board of Railway Commissioners shall be considered as made known to the said Railway Company by a notice thereof signed by the Chairman and countersigned by the Secretary of the said Board, and delivered to the President, Vice-President, Managing Director, Secretary or Superintendent of the said company, or at the office of the said company. 20 V. c. 12, s. 15.

What to be deemed sufficient notice thereof.

158. If any officer or servant of, or person employed by any Railway Company, wilfully or negligently contravenes any By-law or Regulation of the company lawfully made and in force, or any Order or Notice of the Board of Railway Commissioners, and of which a copy has been

Punishment of officers, &c., contravening by-laws, &c.

delivered to him, or has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, then if such contravention causes injury to any property or to any person, or exposes any property or any person to the risk of injury, or renders such risk greater than it would have been without such contravention, although no actual injury occurs, such contravention shall be a misdemeanor, and the person convicted thereof shall in the discretion of the court before whom the conviction is had, and according as such court considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, be punished by fine or imprisonment, or both, so as no such fine exceeds four hundred dollars, nor any such imprisonment the term of five years; and no such imprisonment, if for two years or upwards, shall be in the Provincial Penitentiary. 19, 20 V. c. 11, s. 1.

Penalty.

159. If such contravention does not cause injury to any property or person, nor expose any person or property to the risk of injury, nor make such risk greater than it would have been without such contravention, then the officer, servant or other person guilty thereof, shall thereby incur a penalty not exceeding the amount of thirty days' pay, nor less than fifteen days' pay of the offender from the company, in the discretion of the Justice of the Peace before whom the conviction is had; and such penalty shall be recoverable with costs before any one Justice of the Peace having jurisdiction where the offence has been committed, or where the offender is found, on the oath of one credible witness other than the informer. 19, 20 V. c. 11, s. 1.

Application of.

160. One moiety of such penalty shall belong to Her Majesty for the public uses of the Province, and the other moiety to the informer, unless he be an officer or servant of, or person in the employ of the company, in which case he shall be a competent witness and the whole penalty shall belong to Her Majesty for the uses aforesaid. 19, 20 V. c. 11, s. 1.

The Company
may pay pe-

161. The company may in all cases under this Act pay

the amount of the penalty and costs, and recover the same penalty and deduct from wages.
 from the offender or deduct it from his salary or pay.
 19, 20 V. c. 11, s. 1.

162. Any Railway Company may by a By-law impose Company may impose penalties for contravention of By-laws.
 upon any officer, servant, or person who before the contra-
 vention of such By-law has had notice thereof and is
 employed by the company, a forfeiture to the company
 of not less than thirty days' pay of such officer or servant,
 for any contravention of such By-law, and may retain any
 such forfeiture out of the salary or wages of the offender.
 19, 20 V. c. 11, s. 2.

163. The notice of the By-law or any order or notice of How notice of By-laws or Orders may be proved.
 the Board of Railway Commissioners may be proved by
 proving the delivery of a copy thereof to the officer,
 servant or person, or that he signed a copy thereof, or that
 a copy thereof was posted in some place where his work
 or his duties, or some of them, were to be performed.
 19, 20 V. c. 11, s. 2.

164. Such proof, with a proof of the contravention, shall When such proof, &c., to be a defence for the Company.
 be a full answer and defence for the company, in any suit
 for the recovery from it of the amount so retained, and
 such forfeiture shall be over and above any penalty under
 the preceding sections number one hundred and fifty-
 eighth to one hundred and sixty-one. 19, 20 V. c. 11, s. 2.

26. WORKING OF THE RAILWAY.

165. No Railway or portion of any Railway shall be Railway not to be opened till after one month's notice of intention to open the same.
 opened for the public conveyance of passengers until one
 month after notice in writing of the intention to open the
 same has been given by the company to whom the Railway
 belongs to the Board of Railway Commissioners, and until
 ten days after notice in writing has been given by the said
 company to the said Board of Railway Commissioners, of
 the time when the said railway or portion of Railway will
 be, in the opinion of the company, sufficiently completed
 for the safe conveyance of passengers, and ready for
 inspection. 20 V. c. 12, s. 4.

166. If any Railway or portion of a Railway be opened Penalty for contravention.
 without such notices, the company to whom such Railway

belongs, shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open, until the said notices have been duly given and have expired. 20 V. c. 12, s. 5.

Railway Commissioners upon report of Inspectors and approval of Governor in Council, may order postponement of opening of road.

167. If the Railway Inspector or Inspectors, after inspection of any Railway, report in writing to the Board of Railway Commissioners that, in his or their opinion the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working such Railway, together with the ground of such opinion, the Board of Railway Commissioners, with the sanction of the Governor in Council, and so from time to time, as often as such Inspector or Inspectors after further inspection thereof so reports, may order and direct the company to whom the Railway belongs to postpone such opening not exceeding one month at any one time, until it appears to the said Board that such opening may take place without danger to the public. 20 V. c. 12, s. 6.

Penalty for opening contrary to the order of the Commissioners.

168. If any such Railway, or any portion thereof, be opened contrary to such order or direction of the Board of Railway Commissioners, the company to whom the Railway belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open contrary to such order or direction. 20 V. c. 12, s. 6.

When only such order to be binding on the Company.

169. No such order shall be binding upon any Railway Company unless therewith is delivered to the Company a copy of the report of the Inspector or Inspectors on which the order is founded. 20 V. c. 12, s. 6.

When a Railway passes over a swing bridge, &c., Train to stop for 3 minutes.

170. In all cases where a Railroad passes any Draw or Swing Bridge over a navigable River, Canal or Stream which is subject to be opened for the purposes of navigation, the Trains shall in every case be stopped at least three minutes, to ascertain from the Bridge Tender that the said Bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes the said Railroad Company shall be subject

to a fine or penalty of four hundred dollars. 16 V. c. 169, s. 6.

171. Every Railway Company which runs trains upon the railway, for the conveyance of passengers shall provide and cause to be used in and upon such trains such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying by the power of the steam-engine or otherwise at the will of the engine-driver, or other person appointed to such duty, the brakes to the truck-wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender, and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages, and shall alter such apparatus and arrangements or supply new apparatus and arrangements from time to time as the Board of Railway Commissioners, with the sanction of the Governor in Council, may order. 20 V. c. 12, s. 10.

Company to use the best apparatus for communication between conductors and engine drivers and for stopping or disconnecting cars, fixing seats in cars, &c.

172. Every Railway Company shall make such by-laws, rules and regulations, to be observed by the conductors, engine-drivers, and other officers and servants of the company, and by all other companies and persons using the Railway of such company, and such regulations with regard to the construction of the carriages and other vehicles, to be used in such trains on the Railway of the company, as are requisite for ensuring the employment and proper use of the aforesaid means of communication, application and disconnection. 20 V. c. 12, s. 10.

Companies to make By-laws for regulation of conductors and other officers, &c.

173. Every Railway Company which fails to comply with any of the provisions contained in the one hundred and seventy-first section of this Act, shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues. 20 V. c. 12, s. 10.

Penalty for not complying with the 171st section.

174. Every Railway Company shall, within ten days after the first days of January and July, in each and every

Return of accidents to be

made semi-
annually.

year, make to the Board of Railway Commissioners, under the oath of the President, Secretary or Superintendent of the Company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the Railway of the company during the half year next preceding each of the said periods respectively, setting forth :

1. The causes and natures of such accidents and casualties ;

2. The points at which they occurred, and whether by night or by day ;

3. The full extent thereof, and all particulars of the same ; and

4. Shall also at the same time return a true copy of the existing By-laws of the company, and of their rules and regulations for the management of the company and of their Railway. 20 V. c. 12, s. 14.

Form to be
appointed by
the Board of
Commission-
ers.

175. The Board of Railway Commissioners may order and direct from time to time, the form in which such returns shall be made up, and may order and direct any Railway Company to make up and deliver to them from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the Railway belonging to such company, whether attended with personal injury or not, in such form and manner as the Board deem necessary and require for their information with a view to the public safety. 20 V. c. 12, s. 14.

Penalty for
neglect.

176. If such returns so verified be not delivered within the respective times herein prescribed or within fourteen days after the same have been so required by the Board, every company making default, shall forfeit to Her Majesty the sum of one hundred dollars, for every day during which the company neglects to deliver the same. 20 V. c. 12, s. 14.

Such returns
to be privileg-

177. All such returns shall be privileged communica-

tions, and shall not be evidence in any Court whatsoever.<sup>ed communi-
cations.</sup>
20 V. c. 12, s. 14.

27. BOARD OF RAILWAY COMMISSIONERS, THEIR DUTIES, &C.

178. The Receiver General, the Minister of Finance, Board of Com-
the Commissioner of Public Works, and the Provincial ^{missioners}
Postmaster General, shall constitute a Board of Railway ^{constituted.}
Commissioners; and each of the said Officers shall be a
Member of the said Board by virtue of his office, and so
long, and so long only as he holds the same; such one of
the said Officers as the Members of the Board shall agree
upon, shall be the Chairman and Official Organ of the
Board, the Secretary for the Department of Public Works
shall be the Secretary of the said Board; and any report
concurring in by a majority of the Board, shall be deemed
the report of the Board. 14, 15 V. c. 73, s. 17.—22 V. c.
3. (1859.)

179. The Board of Railway Commissioners shall, in ^{Duties of.}
addition to their other powers and duties, have and dis-
charge the powers and duties in this Act prescribed, and
may from time to time appoint some fit and qualified
person to be Secretary of the said Board in the stead of ^{May appoint a}
the Secretary for the Department of Public Works. 20 V. ^{Secretary.}
c. 12, s. 1.—22 V. c. 3. (1859.)

28. RAILWAY INSPECTORS, THEIR DUTIES, &C.

180. The Governor in Council may appoint and autho- ^{Railway In-}
rize any proper person or persons not exceeding three in ^{spectors.}
number whose duty it shall be from time to time to inspect ^{Duties of.}
all railways constructed or in course of construction, and
every person so authorized may at all reasonable times,
upon producing his authority if required, enter upon and
examine the said railway and the stations, fences or gates,
road crossings, cattle guards, work and buildings, and the
engines, cars and carriages belonging thereto. 20 V. c.
12, s. 2.

181. Every railway company and the officers and ^{Companies to}
directors thereof shall afford to such inspector or inspectors ^{afford infor-}
every information and full and true explanations so far as ^{mation to the}
may be their power or knowledge on all matters inquired ^{Inspectors.}

into by any such inspector or inspectors, and submit to such inspector or inspectors all plans, specifications, drawings and documents relating to the construction or reconstruction, repair or state of repair of such railway or any portion thereof, whether a bridge, culvert or other part. 20 V. c. 12, s. 2.

Inspectors
may use tele-
graph wires ;
for what pur-
poses.

182. Any such Inspector shall have the right to use the telegraph wires and machinery in the offices of or under the control of any such railway company, for the purpose of communicating with any of the officers of the said company, or transmitting any order of any such Inspector relating to such railway. 20 V. c. 12, s. 2.

Operators and
others to obey
orders of In-
spectors.

183. The operators or officers employed in the telegraph offices of or under the control of the said company, shall, without unnecessary delay, obey all orders of any such Inspector for effecting such communications and transmitting messages for the purpose aforesaid, and any such operator or officer refusing or neglecting so to do, shall forfeit for every such offence the sum of forty dollars. 20 V. c. 12, s. 2.

Authority of
Inspectors
how proved.

184. The authority of any such Inspector shall be sufficiently evidenced by a paper in writing nominating him an Inspector of Railways or of any Railway in particular, signed by the Chairman of the said Board of Railway Commissioners and countersigned by the Secretary thereof. 20 V. c. 12, s. 2.

When any
Railway
bridge con-
demned by
Commission-
ers and Inspec-
tors, what to be
done.

185. When any bridge, culvert, viaduct, tunnel, fence, road crossing, or cattle guard, or any other portion of any railway constructed or in course of construction, or any locomotive, car or carriage used or for use on any railway, has been condemned on the report of an Inspector or Inspectors, by the Board of Railway Commissioners, with the approval of the Governor in Council, or when any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said railway, has been required by the Board of Railway Commissioners, with the approval of the Governor in Council, the company to which such railway belongs, or the company using, running or con-

trolling the same, shall, after notice thereof in writing signed by the Chairman of the said Board and countersigned by the Secretary thereof, proceed to make good or remedy the defects in the said portions of the railway, or in the locomotive, car or carriage which have been so condemned, or shall make such change, alteration or substitution hereinbefore referred to as has been required in manner aforesaid by the Board. 20 V. c. 12, s. 8.

186. If in the opinion of any such Railway Inspector, it is dangerous for trains or vehicles to pass over any particular railway, or any portion of a railway, until alterations, substitutions or repairs have been made thereon, or that any particular car, carriage or locomotive should be run or used, the said inspector may forthwith forbid the running of any train or vehicle over any such railway or portion of railway, or the running or using of any such car, carriage or locomotive by delivering or causing to be delivered to the President, Managing Director, or Secretary or Superintendent of the company owning, running, or using such railway, or to any officer having the management or control of the running of trains on such railway, a notice in writing to that effect with his reasons therefor, in which he shall distinctly point out the defects or nature of the danger to be apprehended. 20 V. c. 12, s. 9.

When Inspectors may forbid the running of trains, &c.

187. The said inspector shall forthwith report the same to the said Board of Railway Commissioners, who, with the sanction of the Governor in Council, may either confirm, modify or disallow the act or order of the inspector, and such confirmation, modification or disallowance shall be duly notified to the railway company affected thereby. 20 V. c. 12, s. 9.

What Commissioners may modify report of Inspectors.

188. The said Board of Railway Commissioners may, with the sanction of the Governor in Council, limit the number or times or rate of speed of running of trains or vehicles, upon such railway or portion of railway, until such alterations or repairs as they may think sufficient have been made, or until such time as they think prudent; and the company owning, running or using such railway shall comply forthwith with any such order of the said inspector or of the said Board, upon notice thereof as

When the Commissioners may regulate speed, &c.

Penalty for
non-compli-
ance.

aforesaid ; and for every act of non-compliance therewith every such railway company shall forfeit to Her Majesty the sum of two thousand dollars. 20 V. c. 12, s. 9.

Notice of ac-
cidents to be
given to the
Commission-
ers.

189. Every railway company shall as soon as possible, and at least within forty-eight hours, after the occurrence upon the railway belonging to such company of any accident attended with serious personal injury to any person using the same, or whereby any bridge, culvert, viaduct or tunnel on or of the said railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Board of Railway Commissioners ; and if any company wilfully omits to give such notice, such company shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the omission to give the same continues. 20 V. c. 12, s. 13.

Inspection not
to relieve Com-
pany from lia-
bility.

190. No inspection had under this Act nor any thing in this Act contained or done or rendered or omitted to be done or ordered under or by virtue of the provisions of this Act, shall relieve or be construed to relieve any railway company, of or from any liability or responsibility resting upon it by law either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or other personal representative of any person for any thing done or omitted to be done by such company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such company under the existing laws of the Province. 20 V. c. 12, s. 17.

29. RAILWAY FUND.

Railway In-
spection Fund.

191. From the twenty-seventh of May, one thousand eight hundred and fifty-seven, every railway then or thereafter constructed, shall so soon as any portion thereof is in use, pay to the Receiver General an annual rate to be fixed by the Governor in Council, not exceeding ten dollars per mile of railway constructed and in use ; such

rate to be paid half yearly on the First days of January and July in each year, and to form a special fund for the purposes of this Act, to be called "The Railway Inspection Fund." 20 V. c. 12, s. 19.

30. CERTAIN SECTIONS LIMITED.

192. In the construction of the one hundred and fortieth to one hundred and fiftieth, the one hundred and fifty-fifth to one hundred and fifty-seventh, the one hundred and sixty-fifth to one hundred and seventy-seventh and the one hundred and seventy-ninth to one hundred and ninety-first sections of this Act, the expression "Railway Company" shall include any person being the owner or lessee of or contractor working any railway constructed or carried on under the powers of an Act of Parliament. 20 V. c. 12, s. 21.

What the words "Railway Company," shall include.

31. HOW PENALTIES RECOVERED AND APPLIED.

193. All penalties incurred under any of the sections of this Act in the last section referred to, except penalties under the one hundred and fifty-fifth section thereof, may be recovered in the name of Her Majesty, by Her Majesty's Attorney General in any Court having competent jurisdiction thereover; and all penalties recovered under the other sections aforesaid, shall be paid to the Receiver General to the credit of "The Railway Inspection Fund." 20 V. c. 12, s. 20.

How penalties recovered and applied.

CAP. XXIX.

An Act in amendment of the Railway Act.

[Assented to 19th May, 1860.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Constables
may be ap-
pointed to act
on the line of
any railway,
and how.

1. The justices of the peace for any county in Upper Canada, assembled at any general quarter sessions of the peace, and any judge of the court of Queen's Bench, or superior court, or clerk of the peace, or clerk of the crown, or inspector and superintendent of police, in Lower Canada, on the application of the board of directors of any Railway Company whose railway passes within the local jurisdiction of such justices of the peace, judge, clerk, or inspector and superintendent of police, as may be, on the application of any clerk or agent of such company thereto authorized by such board, may, in their or his discretion, appoint any persons recommended to them for that purpose by such board of directors, clerk or agent, to act as constables on and along such railway ; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say :

Oath of office.

" I, A. B., having been appointed a constable to act
" upon along (*here name the Railway,*) under the provisions
" of (*here insert the Title of this Act,*) do swear that I will
" well and truly serve our Sovereign Lady the Queen,
" in the said office of constable, without favor or affection,
" malice or illwill, and that I will, to the best of my power,
" cause the peace to be kept, and prevent all offences
" against the peace, and that while I continue to hold the
" said office, I will to the best of my skill and knowledge,
" discharge the duties thereof faithfully, according to law.
" So help me God. "

Such oath or declaration shall be administered in Upper Canada by any one such justice, and in Lower Canada, by any such judge, clerk, or inspector or superintendent of police ; and every constable so appointed, and having taken such oath or made such declaration as aforesaid, shall have full power to act as a constable for the preservation of the peace and for the security of persons and property against felonies and other unlawful acts, on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises belonging to such company, whether the same be in the county, city, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes or in which the same terminates, or through or to which any railway passes, which may be worked or leased by such Railway Company, and in all places not more than one quarter of a mile distant from such railway or railways ; and shall have all such powers, protections and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, which any constable duly appointed has within his constablewick ; and it shall be lawful for any such constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this act, or of any of the acts or by-laws affecting any such railway, before any justice or justices appointed for any county, city, district or other local jurisdiction within which any such railway may pass ; and every such justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction.

By whom to be administered.

Powers of such constables, and to what localities they shall extend.

Duties of such constables.

2. Any two justices of the peace in Upper Canada, and any judge of the court of Queen's Bench or superior court, or clerk of the peace, or clerk of the crown, or inspector and superintendent of police, in Lower Canada, may dismiss any such constable who may be acting within their several jurisdictions ; and the board of directors of such Railway Company, or any clerk or agent of such company thereto authorized by such board, may dismiss any such

Dismissal of any such constable.

constable who may be acting on such railway ; and upon every such dismissal, all powers, protections and privileges belonging to any such person by reason of such appointment, shall wholly cease ; and no person so dismissed shall be again appointed or act as a constable for such railway, without the consent of the authority by which he was dismissed.

Record of ap-
pointment of
each constable
to be kept.

3. Every such Railway Company shall cause to be recorded in the office of the clerk of the peace, for every county, city, district, or other local jurisdiction wherein such railway or railways may pass, the name and designation of every constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof and the authority making the same, within one week after the date of such appointment or dismissal, as may be ; and every such clerk of the peace shall keep such record in a book to be open to public inspection, charging such fee or fees only as the Governor in Council may from time to time authorize, and in such form as the Governor in Council may from time to time direct.

Fees.

Punishment of
constables
guilty of ne-
glect of duty.

4. Every such constable who shall be guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof within any county, city, district or other local jurisdiction wherein such Railway may pass, to a penalty of not more than eighty dollars, the amount of which penalty may be deducted from any salary due to such offender, if such constable be in receipt of a salary from the Railway Company, or to imprisonment, with or without hard labor, for not more than two months, in the gaol of such county, city, district or other local jurisdiction.

And of persons
resisting them.

5. Every person who shall assault or resist any constable appointed as aforesaid; in the execution of his duty, or who shall incite any person so to assault or resist, shall, for every such offence, be liable, on like summary conviction, to a penalty of not more than eighty dollars, or to imprisonment, with or without hard labor, for not more than two months, in such gaol as aforesaid.

6. Every person who shall bore, pierce, cut, open, or otherwise injure any cask, box, or package containing wine, spirits, or other liquors, or any case, box, sack, wrapper, package, or roll of goods, in, on or about any car, waggon, boat, vessel, warehouse, station-house, wharf, quay, or premises of or belonging to any such Railway Company, with intent feloniously to steal, or otherwise unlawfully to obtain or to injure the contents or any part thereof, or who shall unlawfully drink, or wilfully spill or allow to run to waste any such liquors or any part thereof, shall, for every such offence, be liable, on like summary conviction, to a penalty of not more than twenty dollars, over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, without hard labor, for not more than one month, in such gaol as aforesaid.

7. For any offence against the provisions of this Act, punishable by summary conviction, it shall be lawful to proceed against the offender, either in the manner provided by this act, or according to the provisions of the act *respecting the duties of justices of the peace out of sessions, in relation to summary convictions and orders*, forming the one hundred and third chapter of the Consolidated Statutes of Canada, in regard to any acts and offences in such act mentioned; and it shall be lawful to use, pursue, and adopt any or all of the forms, directions, modes of procedure, remedies and proceedings, (as well in regard to witness and parties as others,) mentioned or provided in such act in all complaints, prosecutions, convictions, levies and proceedings for offences against this act.

8. In all cases of complaint by summary proceeding before a justice of the peace in Upper Canada, against any person for a violation of any of the provisions of this act, all decisions, convictions and orders made by such justice shall be subject to appeal, in the manner and under the provisions prescribed in the act "*respecting appeals in cases of summary conviction*," forming the one hundred and fourteenth chapter of the Consolidated Statutes for Upper Canada.

9. Whenever any level crossing on any railway shall

be required to be out of repair, the warden, mayor, reeve or other chief repair any officer of the municipality having jurisdiction over the level crossing railway so crossed, may serve a notice upon the company out of repair. in the usual manner, requiring the repair to be forthwith made ; and if the company shall not forthwith make the same, such officer may transmit a copy of the notice so served to the inspector of railways ; and thereupon it shall be the duty of said inspector, with all possible despatch, to appoint a day when he will examine into the matter ; and he shall by mail give notice to such warden, mayor or reeve, and to the company, of the day he shall so fix ; and upon the day so named he shall examine such crossing ; and any certificate under his hand shall be final on the subject so in dispute between the parties ; and if the said inspector shall determine that any repairs are required, he shall specify the nature thereof in his said certificate, and direct the company to make the same ; and the company shall thereupon, with all possible despatch, comply with the requirements of such certificate ; and in case of default, the municipality, within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises by action against the company in any court of competent jurisdiction, as money paid to the company's use ; provided always that neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such company in the premises.

Inspector's certificate to be conclusive.

Proviso.

Provision when the county judge is interested in lands required for any railway.

10. Whenever any judge of a county court in Upper Canada is interested in lands taken or required, within the county in which he is such judge, by any Railway Company, for railway purposes, any judge of any of the superior courts at Toronto shall, on application of such company, exercise in such case all the powers given to such judge of a county court by the eleventh section of the railway act, in cases in which he, such judge of a county court, is not interested.

11. The provisions of this act shall apply to every railway made or to be made in this Province.

Short title.

12. This act shall be cited as "The Railway Act Amendment Act of 1860."

CAP. XVII.

An Act to explain and amend the Railway Act.

[Assented to 18th May 1861.]

WHEREAS doubts are entertained as to whether Rec- Preamble.
tutors in possession of Glebe Lands in Upper Canada, Ecclesiastical and other corporations, trustees of land for church and school purposes or either, executors appointed by wills in which they are not invested with any power over the real estate of the testator, administrators of persons dying intestate but at their death seized of real estate, are authorized by the eleventh section of the Railway Act to sell or dispose of any of such lands to any railway company for the actual use of and occupation by such company ; And whereas it is desirable to remove such doubts, and to amend the said railway act in the particulars hereinafter set forth : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The true intent and meaning of the said section of the said act was and is, that the several persons and parties hereinbefore mentioned, with respect to the lands above in this act referred to, should and shall exercise all the powers mentioned in the first subsection of the said section eleven of the said railway act, with respect to any of such lands actually required for the use and occupation of any railway company ; and any conveyance made under the said first subsection shall vest in the railway company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever.

Certain conveyances to railway companies under sect. 11 of the Railway Act, declared valid.

2. All the provisions in the said section and in the said act contained as to arbitrations, and obtaining possession and title to such lands, and the disposition of the purchase

Sect. 11 of Con. Stat., Can., cap. 66, to apply.

money, shall apply to all the parties and lands in this act and in the said subsection mentioned; and no railway company shall be responsible for the disposition of any purchase money for lands taken by them for their purposes, if paid to the owner of the land or into court for his benefit.

Provision
when county
judge is inter-
ested.

3. Whenever any county judge shall be or is interested in lands taken or required within the county in which he is such judge, by any railway company, for railway purposes, any judge of any of the superior courts in Upper or Lower Canada shall, on application of such company, exercise in such case all the powers of the county court judge given to him by the said eleventh section of the said act, in cases in which he the county judge is not interested.

Sect. 131
amended.

4. The one hundred and thirty-first section of the railway act is hereby amended by adding thereto the following proviso :

Railway com-
panies must
afford each
other every fa-
cility for the
forwarding of
traffic, without
preference or
favour.

Provided always, that every railway company shall, according to their respective powers, afford all reasonable facilities to any other railway company for the receiving and forwarding and delivering of traffic upon and from the several railways belonging to or worked by such companies respectively, and for the return of carriages, trucks, and other vehicles; and no such company shall give or continue any preference or advantage to or in favor of any particular company or any particular description of traffic, in any respect whatsoever, nor shall any such company subject any particular company or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever; And every railway company having or working a railway which forms part of a continuous line of railway or which intersects any other railway, or which has any terminus, station or wharf of the one near any terminus, station or wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding by the one of such railways, all the traffic arriving by the other, without any unreasonable delay, and without any such preference or advantage or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered in the using of such railway as a continuous line of communica-

tion, and so that all reasonable accommodation may, at all times, by the means aforesaid, be mutually afforded by and to the said several railway companies; and any agreement between any two or more railway companies contrary to the foregoing provisions, made after the passing of this act, shall be unlawful, null and void.

Agreements made in contravention of this act, to be void.

5. If any officer, servant or agent of any railway company, having the superintendence of the traffic at any station or depot thereof, refuses or neglects to receive, convey or deliver at any station or depot of the company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or to such company, for conveyance over or along their railway from that of any other company, intersecting with or coming near to such first mentioned railway,—or in any way wilfully contravenes the provisions of the next preceding section,—such first mentioned railway company or such officer, servant or agent, personally, shall, for each such neglect or refusal, incur a penalty not exceeding fifty dollars, over and above the actual damages sustained; which penalty may be recovered, with costs, in a summary way, before any justice of the peace, by the railway company or any other party aggrieved by such neglect or refusal, and to and for the use and benefit of such company or other party so aggrieved.

Penalty on companies or their officers refusing or neglecting to forward traffic, as above required.

How recoverable and how to be applied.

6. For the purposes of the two next preceding sections, the word "traffic" includes not only passengers and their baggage, goods, animals and things conveyed by railway, but also cars, trucks and vehicles of any description adapted for running over any railway;—the word "railway" includes all stations and depots of the railway;—the expression "railway company," includes all parties owning, leasing or working any railway;—and a railway shall be deemed to come near another when some part of the one is within one mile of some part of the other.

Interpretation of word "traffic."

Railway, railway company, &c.

7. This act shall form part of the railway act, and shall be construed as applying to any railway company incorporated or to be hereafter incorporated, to which the provisions of the said railway act apply, and shall have effect accordingly.

This act to form part of the railway act.

Interest of
purchase
money or rent
of property ne-
cessary for
working a
railway to be
deemed part of
its working
expenses.

8. The interest of the purchase money or rent of any real property acquired or leased by any railway company and necessary to the efficient working of such railway, and the price or purchase money of any real property or thing without which the railway could not be efficiently worked, shall be considered to be part of the expenses of working such railway, and shall be paid as such out of the earnings of the railway.

ACT OF INCORPORATION

OF THE

NORTH SHORE RAILWAY.

CHAP. 100—16 VICTORIA.

An Act to authorize the formation of a company to construct a Railroad on the North Shore of the River Saint Lawrence, from the city of Quebec to the city of Montreal, or to some convenient point on any Railway leading from Montreal to the Western Cities of this Province.

[Assented to 22nd April, 1853.]

WHEREAS the construction of a Railway connecting Preamble. the extremities of the Province must greatly conduce to promote the welfare and interests of its inhabitants, and it is therefore desirable that a railway should be constructed to connect the city of Quebec in as direct a line as possible with the railway projected to run westward from the city of Montreal, and thus to connect the latter by a direct and advantageous line with the intended railway from Quebec to the eastern limits of the Province; And whereas such a line, passing through a most populous and important section of the country, may be found on the North Shore of the River Saint Lawrence; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United

Kingdom of Great Britain and Ireland, and intituled : *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted

Corporation of Quebec may cause Books of subscription to be opened, &c. by the authority of the same, That the Mayor and councillors of the city of Quebec may cause books to be opened at any time after the passing of this Act, to receive the subscriptions of such persons, corporations or other parties,

as may be desirous to take shares in the stock of a company for constructing the railway referred to in the Preamble to this Act, and may keep such books open at the office of the said corporation for such time as may be necessary : And at any time after One Hundred and Twenty-

And call a General Meeting for the Election of Directors, when £125,000 in subscribed.

five Thousand Pounds of the said stock shall have been subscribed for, by not less than thirty distinct parties, the said corporation may by a notice to be published at least three times in the English and French languages in some three or more of the public newspapers published in the said city of Quebec, call a general meeting of the subscribers, to be held at such place in the said city as shall be appointed by the said notice, and that at such meeting the Mayor of the said city, or in his absence any one of the Members of the City Council, may preside, and the City Clerk shall act as Secretary ; and at such meeting the majority of the subscribers present thereat may elect from among the persons having each subscribed for stock of the intended company to the amount of One Hundred Pounds or upwards, nine persons to be the first Directors of the intended company : Provided always, that if, at the first meeting so called, nine Directors should not be elected as aforesaid, then another meeting may be called, in the manner aforesaid, by the Mayor and councillors of the said city, giving a notice thereof in the manner prescribed with regard to the first meeting ; and so *toties quoties* until a meeting be effectively held and nine Directors elected thereat.

Proviso : if the Meeting should fail to be held, &c.

On certain Documents being transmitted to the Provincial Secretary, he shall give a certificate

2. And be it enacted, That so soon as may be after the election of Directors as aforesaid, the said City Council shall certify to the Secretary of this Province for the information of the Governor, and under their corporate seal, that such election of Directors has been had in conformity to this Act, and the names of the Directors so elected, and shall

transmit to the said secretary a copy of the subscription ^{which shall operate the incorporation of the Company under this Act.} book aforesaid, shewing the number and names of the subscribers, and the actual *bonâ fide* amount of their respective subscriptions, and an affidavit or solemn affirmation of the said City Clerk, that the said copy is a faithful and correct transcript from the original books in the possession of the City Council; and it shall appear by the documents aforesaid that an amount not less than One Hundred and Twenty-five Thousand Pounds of the said stock has actually been subscribed for *bonâ fide*, and if the said council shall, with the documents aforesaid, transmit also to the said Secretary the certificate of the Cashier of some chartered Bank in this Province, of the deposit therein of a sum equal to ten per cent upon the amount of subscriptions, with authority to the said Secretary to control the withdrawal of the said deposit for such time as the said Secretary may think proper, not longer than six months after the Railway shall have been actually commenced and proceeded with, then the said Secretary is hereby required forthwith to deliver to the Mayor and counsellors of the city of Quebec, a certificate that all the requirements of this section have been complied with; And upon and after the granting of the said certificate, the subscribers to the stock of the intended company, and such persons and parties as shall thereafter become subscribers to the same, their several and respective heirs, executors, administrators, curators and assigns, proprietors of stock in the said undertaking, shall be, by virtue of this Act, one Body Corporate and Politic, by the name of "The North Shore Railway Company," and the Directors elected as aforesaid shall be the first Directors of the said company, and the said company shall be thereafter, by virtue of this Act, authorized and empowered by themselves, their deputies, agents, officers, workmen and servants, to make and complete a railway to be called "The North Shore Railway," from any point within the limits of the said city of Quebec to any point within the city of Montreal, or to carry such railway by a line in the rear of the city last named to any point in the country of Montreal beyond or to the westward of the said city, and there, if they deem it expedient, to connect it with any railway to be constructed from the said city to or towards the city of Kingston or

Corporate
name and
powers.

Line of
Railway.

Proviso:
Copies of Secretary's Certificate duly certified, to be evidence.

to or towards the town of Bytown: Provided always, that a copy of the certificate granted as aforesaid by the Secretary of this Province, shall by the said company be published in the *Canada Gazette* within twenty days after it shall have been granted by the said secretary; but such certificate shall remain in the custody of the Mayor and councillors of the city of Quebec, and any copy thereof, certified by the clerk of the said city as correct, and bearing the seal of the corporation, shall be evidence of such certificate and of the facts therein alleged, and of the incorporation of the said company by virtue of this Act; and the original books of subscription shall be delivered up by the said Mayor and councillors of the city of Quebec to the Directors of the said company, to be by them kept open for further subscriptions (if necessary) as hereinafter mentioned.

Proviso: Corporations of Quebec and Montreal may regulate the use of the Railway within the said Cities.

3. Provided always, and be it enacted, That the said railway shall not be brought within the limits of the city of Quebec, or of the city of Montreal, without the permission of the corporation of such city, expressed by a By-law, and by any such By-law provision may be made as to how far the railway may be brought within the limits of the city, and how far within the same locomotive engines shall be allowed to run, and generally as to the mode in which the railway shall be located and constructed or worked within such city so as to guard the inhabitants thereof, and their property, from injury from the location or construction thereof of the mode of working or using the same, and any such By-law shall bind the company and the corporation, but shall not be afterwards repealed or altered without the consent of the company.

Certain clauses of 14 & 15 V. c. 51, incorporated with this Act.

4. And be it enacted, That the several clauses of "The Railway Clauses Consolidation Act," passed during the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act with respect to the "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their Election

and Duties," "Shares and their Transfer," "Municipalities," "Shareholders," "Actions for indemnity, and fines and penalties, and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act; and the expression "this Act," when used therein, shall be understood to include the clauses so incorporated with it.

5. And be it enacted, That the gauge of the said Railway Gauge. shall not be broader or narrower than five feet six inches.

6. And to the end that the said company may be enabled to carry on so useful an undertaking—Be it enacted, That it shall and may be lawful for the said company and their successors, to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing the said railway, and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said railway and other works; and if the whole stock be not subscribed before their election, the Directors of the said company shall cause the Books of Subscription opened as aforesaid, to remain open at some place in the city of Quebec, and other books to be opened elsewhere, within or without this Province, at such places as they may appoint, for receiving the signatures of persons willing to become subscribers to the said undertaking, until the whole stock shall have been subscribed for; and for this purpose they shall be held and bound to give public notice in the *Canada Gazette*, and such other newspapers as they or a majority of them shall think proper, of the time and places at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions; and every person, corporation, community or party, who shall write or authorize any person to write his or her signature, or corporate or collective name, in such book or in any book of subscription opened by the Mayor and councillors of the city of Quebec, as a subscriber to the said undertaking, shall thereby become a Member of the said company, and shall have the same rights and liabilities as such as are hereby

Proviso: persons who subscribed for Shares in the Railway when projected originally, to be liable as subscribers under this Act.

conferred on the Members of the said company, nor shall it be necessary that the subscription of any corporation to the stock be under its common seal : Provided always, that any person, corporation or party, who before the passing of this Act has or shall have subscribed or authorized any person to subscribe his or her name, or the corporate name of such corporation, for any amount of stock in any Stock Book of the then intended company to construct a railway on the North Shore of the River Saint Lawrence, between the city of Quebec and the city of Montreal, or such other place in the rear thereof as might be found practicable, to be called "The North Shore Railroad," subject to the provisions of the Railway Clauses Consolidation Act, and of a Special Act to be obtained by the company from the Legislature of this Province, shall be deemed to have subscribed for a like amount of stock of the company hereby incorporated, and shall have all the rights and be subject to all the liabilities which they would have or be liable to if they had subscribed for a like amount of stock under the provisions of this Act.

Capital Stock : and its application.

7. And be it enacted, That the sum so to be raised or subscribed shall constitute the capital stock of the said company, and shall not exceed in the whole the sum of Six Hundred Thousand Pounds currency, and the money so to be raised is hereby directed and appointed to be laid out and applied, in the first place, for and towards the payment of all disbursements for making the surveys, plans and estimates incident to the said railway, and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said railway, and other the purposes of this Act, and to no other use, intent or purpose whatever.

Amount of each Share.

8. And be it enacted, That the said sum of Six Hundred Thousand Pounds shall be divided and distinguished into ninety-six thousand equal parts or shares of Six Pounds Five Shillings currency each, and that such shares shall be

To be personal property.

deemed personal estate, and shall be transferred as such ; and that the said ninety-six thousand shares shall be and are hereby vested in the said several subscribers, and their

Executors, &c., paying of

several respective heirs, executors, curators, administrators and assigns, to their and every of their proper use and

behoof, proportionally to the sum they and each of them shall severally subscribe and pay thereunto ; and all and every the bodies politic, corporate or collegiate, or communities, and all and every person or persons, their several and respective successors, executors, curators, administrators and assigns, who shall severally subscribe and pay the sum of Six Pounds Five Shillings, or such sum or sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended railway, shall be entitled to and receive, after the said railway shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held ; and every body politic, corporate or collegiate, or community, person or persons, having such property of one ninety-six thousandth part or share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking in manner by this Act directed and appointed.

9. And be it enacted, that in case the said sum of Six Hundred Thousand Pounds, hereinbefore authorized to be raised, shall be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the said company to raise and contribute among themselves, by subscription in books to be opened by the Directors for that purpose, and in such shares and proportions as to them shall seem meet, or by the admission of new subscribers, a further or other sum of money for completing the said intended railway, and its branches and other works or conveniences incidental or relative thereto, not exceeding the sum of Four Hundred Thousand Pounds currency aforesaid ; and every subscriber towards raising such further or other sum of money, shall be a Shareholder in the said undertaking, and have a like vote by himself, or herself, or his or her proxy, in respect of every share in the said additional sum so to be raised, and shall also be liable to such obligations, and stand interested in all the profits and powers of the said undertaking, in proportion to the sum he, she or they shall or may subscribe thereto, as generally and extensively as if such other or

further sum had been originally raised as part of the said first sum of Six Hundred Thousand Pounds ; any thing therein contained to the contrary notwithstanding.

Votes in proportion to Shares.

Proviso.

10. And be it enacted, That the number of votes to which each Shareholder in the said undertaking shall be entitled on every occasion when, in conformity to the provision of this Act, the votes of the members of the said company are to be given, shall be equal to the number of shares held by him : Provided always, that no one Shareholder as aforesaid shall have more than five hundred votes.

Annual General Meeting.

Special Meetings, how called, &c.

Proviso: for filling vacancies in the direction.

11. And be it enacted, That in the month of June in each year, an Annual General Meeting of the said Shareholders shall be held to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business of the company ; but if at any time it shall appear to any eleven or more of such Shareholders, holding together two thousand shares at least, that for more effectually putting this Act into execution, a special meeting of Shareholder is necessary to be held, it shall be lawful for such eleven or more of them to cause fifteen days' notice, at least, to be given thereof in the *Canada Gazette*, and in any other newspaper in each of the cities of Quebec and Montreal, or in such manner as the Shareholders shall by a By-law passed at any General Meeting, direct or appoint, specifying in such notice the time and place, and the reason and intention of such Special Meetings respectively ; and the Shareholders are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only ; and all such acts of the Shareholders, or the majority of them, at such Special Meetings assembled, such majority not having either as principals or proxies less than two thousand shares, shall be as valid to all intents and purposes as if the same were done at General Meetings ; Provided always, that it shall and may be lawful for the said Shareholders at such Special Meetings, in case of the death, absence, resignation or removal of any person named a Director to manage the affairs of the said company in manner aforesaid, to choose and appoint another

or others, in the room or stead of those Directors who may die or be absent, resign or be removed as aforesaid ; any thing in this Act to the contrary notwithstanding.

12. And be it enacted, That the number of Directors ^{Number and} of the said company shall be nine, and at the said Annual ^{Order of re-} Meeting three of the said nine Directors shall annually ^{tirement of} retire in rotation, the retirement of the said first elected ^{Directors.} nine Directors being decided by ballot, but the Directors then or at any subsequent time retiring shall be eligible for re-election : ^{Provido.} Provided always that no such retirement shall have effect except the Shareholders at such General Meeting proceed to fill up the vacancies thus occurring in the direction.

13. And be it enacted, That any Meeting of the said ^{Quorum of} Directors, at which not less than five Directors shall be ^{Directors.} present, shall be competent to use and exercise all and any of the powers hereby vested in the said Directors of the said company.

14. And be it enacted, That the Stock Qualification ^{Qualification} of Shareholders to be Directors of the said company, shall be ^{of Directors.} twenty shares of Six Pounds Five Shillings currency each, of the capital stock.

15. And be it enacted, that every such Annual General ^{Appointment} Meeting shall have power to appoint not exceeding three ^{of Auditors.} Auditors, to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Treasurer, Receiver and Receivers, and other officer and officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by or concerned for or under them, in and about the said undertaking, and for that purpose shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them.

16. And be it enacted, That no call of money from the ^{Calls limited.} Shareholders shall exceed the sum of Twelve Shillings and Six Pence per share of Six Pounds Five Shillings.

17. And be it enacted, That in all actions or suits at ^{Evidence in} law, by or against the company, instituted in ^{Lower suits by or}

against the
Company in
L. C.

Canada, recourse shall be had to the Rules of Evidence laid down by the laws of England, as recognized by the Courts in Lower Canada in commercial cases, and no Shareholder shall be deemed an incompetent witness, either for or against the company, unless he be incompetent otherwise than as a shareholder.

As to Writs of
Saisie-Arret,
order for *Faits*
et Articles, &c.,
served on the
Company.

18. And be it enacted, That if any Writ of *Saisie-Arret* or attachment shall be served upon the said company, it shall be lawful for the Secretary or Treasurer in any such case to appear in obedience to the said Writ, to make the Declaration in such case by Law required according to the exigency of each case, which said Declaration, or the Declaration of the President, shall be taken and received in all Courts of Justice in Lower Canada, as the Declaration of the company; and in causes where interrogatories *sur faits et articles* or *serment décisoire*, may have been or may hereafter be served upon the company, the Directors shall have the power by a Vote or Resolution entered among the minutes of the proceedings of any meeting, to authorize the President or Treasurer to appear in any cause to answer such interrogatories; and the answers of the President or Treasurer, so authorized, shall be held and taken to be the answers of the company to all intents and purposes, as if all the formalities, by law required, had been complied with; and the production of a copy of such Resolution, certified by the Secretary, with the said answers, shall be sufficient evidence of such authorization.

Company may
take lands
covered by
the St. Law-
rence or
Ottawa, &c.

19. And be it enacted, That it shall and may be lawful for the company to take and appropriate for the use of their Railway, but not to alienate so much of the beach or land covered with the waters of the River Ottawa, St. Charles, or St. Lawrence, or of any other river, stream or canal, or of their respective beds, as may be found necessary for the making and completing, or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, cranes and other works as to the company shall seem meet: Provided always, that it shall not be lawful for the said company to cause any obstruction in or to impede the free navigation of the Rivers Saint Charles, Saint Lawrence or Ottawa, or of any other river,

Proviso: as to
Bridges over
navigable
rivers, &c.

stream or canal to or across which their Railway shall be carried : and if the said Railway shall be carried across any navigable river or canal, the said company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing bridge over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge for the passage of vessels and rafts, as the Governor in council shall direct and make from time to time ; nor shall it be lawful for the said company to construct any wharf, bridge, pier, or other work upon the public beach or bed of any navigable river, stream or canal, or upon the land covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in council, nor until the same shall have been approved by him in council, as aforesaid.

20. And be it enacted, That by any regulations to be made by the Governor in council touching any such drawn-bridge or swing-bridge as aforesaid, penalties not exceeding Ten Pounds, in any case, may be imposed for the contravention thereof, and such penalties shall be recoverable from the said company or from any of their officers or servants by whom the regulations shall have been contravened.

Governor in Council may impose penalties.

21. And be it enacted, That the said company shall have power to become parties to Promissory Notes and Bills of Exchange for sums not less than Twenty-five Pounds, and any such Promissory Note made or endorsed, and any such Bill of Exchange drawn, accepted or endorsed by the President, or Vice President of the company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum* of the Directors, is and shall be binding upon the company ; and every such Promissory Note or Bill of Exchange made, drawn, accepted or endorsed by the President or Vice President of the said company, and countersigned by the Secretary and Treasurer as such, either before or after the passing of this Act, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shown ; and in

Company may be parties to promissory notes, &c.

no case shall it be necessary to have the seal of the company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice President, or the Secretary and Treasurer of the company so making, drawing, accepting, or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever : Provided always, that nothing in this clause shall be construed to authorize the said company to issue any Note payable to bearer, or any Promissory Note intended to be circulated as money, or as the Notes of a Bank.

Proviso.

Corporations may lend money to the Company as well as subscribe for Stock, &c.

22. And be it enacted, That if at any time the Mayor and Councillors of the city of Quebec, or the corporation of the city of Montreal, or the Gentlemen Ecclesiastics of the Seminary of Quebec, or any other corporate body, civil or ecclesiastical, or any Municipality in this Province, shall be desirous of subscribing for shares of the capital stock of the said company or of otherwise promoting the speedy completion of the said railway, by loans of money or securities for money at interest or *à constitution de rente*, it shall be lawful for them respectively so to do in like manner, and with the same rights and privileges in respect thereof as private individuals may do under or in virtue of this Act, any thing in any Ordinance or Act or Instrument of Incorporation of any such body, or in any Law or usage to the contrary notwithstanding : Provided always, that should the said company require to purchase from the Ecclesiastics of the Seminary of St. Sulpice of Montreal, any land either on the Lachine Canal, River St. Lawrence, or in any other place, for the purposes of the railway, it shall be lawful for the said Ecclesiastics to sell and convey the same to the company, without advertising and offering the said lands at public sale, or without any other formality of sale than is provided by this Act.

Proviso.

Corporation of Quebec not to be subject to the provisions of paragraph 3 of s. 18, of 14 & 15 V. c. 51.

23. Provided always, and be it enacted, That inasmuch as the Mayor and councillors of the city of Quebec, have already obtained the consent of a majority of the qualified electors of the Municipality, that the said Mayor and councillors should subscribe for shares to an amount not exceeding One Hundred Thousand Pounds in the capital stock of any company to be incorporated for the

purpose of making the railway authorized by this Act, therefore the paragraph or division of the eighteenth section of *The Railway Clauses Consolidation Act*, marked "Thirdly," shall not apply to any subscription by the said corporation to the capital stock of the company hereby incorporated, or to any loan or guarantee to or in favor of the said company by the said corporation, provided the amount so subscribed for, loaned or guaranteed, does not exceed the sum of One Hundred Thousand Pounds aforesaid ; and the said corporation may, either before or after the incorporation of the said company, and without any previous formality or proceeding, subscribe for shares in the capital stock of the said company, to an amount not exceeding the sum aforesaid, or may, to the amount aforesaid, lend to or guarantee the payment of any sum of money borrowed by the company from any corporation or person, or indorse or guarantee the payment of any debenture to be issued by the company for money by them borrowed, and shall have power to assess and levy from time to time upon the whole rateable property in the said city, a sufficient sum to enable them to discharge the debt or engagement so contracted, and for like purpose to issue debentures payable at such times and for such sums respectively, not less than Five Pounds currency, and bearing or not bearing interest, as the said corporation may think meet : Provided always, that nothing in this Act shall be construed to prevent the said corporation or the Mayor and councillors of the city of Quebec, from subscribing for any further or additional amount of the stock of the said company, if they see fit so to do, complying with the provisions of the *Railway Clauses Consolidation Act* in that behalf, as far as regards such further or additional amount of stock.

Proviso: Corporation of Quebec may subscribe for further sum.

24. And be it enacted, That if at any time any Sheriff or Bailiff shall receive a Writ of Execution, commanding him to levy any sum of money due by any Municipality for the principal or interest of any Bond or Debenture issued under the authority of this Act, the Plaintiff may require, and the Court whence such execution issues may order it to be levied by rate ; and if such order be made, the Sheriff or Bailiff shall cause a copy of such Writ to be

Proceedings under any Writ of Execution against a Municipality for arrears of interest or principal on any of its Debentures.

served upon the Secretary-Treasurer of such Municipality, and if the money therein mentioned, with all the lawful interest and costs, which the said Sheriff or Bailiff is commanded to levy, be not paid within one month from the time of such service, the said Sheriff or Bailiff shall himself calculate what rate in the pound, upon the assessed value of all the rateable property lying or situate within the limits of the said Municipality, will, in his opinion, after making fair allowance for the expenses, losses and deficiencies in the collection of such rate, be required to produce the debt, interest and cost which he is commanded to levy, and a sum of ten per centum in addition ; and the said Sheriff or Bailiff may command the Council of the said Municipality, and all officers whom it may concern, to cause the said rate to be levied and collected, and the proceeds to be paid over to him ; and it shall be the duty of the Secretary-Treasurer, and the Assessors, Collectors, and all other officers of the said Municipality, to produce to the said Sheriff or Bailiff, on his demand, all assessment books, papers and documents, having reference to the assessment of the property in the said Municipality, and to give him such information as he may require in order to fix the said rate : and all such officers of the said Municipality shall be bound to obey the said Sheriff or Bailiff, as well in respect of such information as in the levying and collection of such special rate, and for neglecting or refusing such obedience, shall be liable by imprisonment (*contrainte par corps*) to be decreed against them by the Court in which the judgment has been rendered and ought to be levied ; and the said Sheriff or Bailiff shall, for the purpose of imposing, levying and collecting the said special rate, have all the powers of the said Municipal Council and of its officers, and may proceed to the sale of lands and immoveable property in the same manner, and take such other proceedings and recourses as they could do for the non-payment of any rate or assessment ; and the said Sheriff or Bailiff shall pay to the Plaintiff his debt, interest and costs out of the amount levied, and if there be any surplus, it shall be paid back to the Secretary-Treasurer of the said Municipality, but if there be a deficiency, a new rate shall be imposed and a levy made ; and no rate so imposed, nor any levy or collection by such

Powers of the Sheriff or officer to levy the required rate.

Sheriff or Bailiff, shall be liable to be opposed for inequality or injustice, but any party injured may petition the Council of said Municipality for redress out of their other funds.

25. And be it enacted, That it shall be lawful for the Governor in council, at any time after the expiration of twenty-one years, from and after the first day of January next, after the day on which the certificate mentioned in the second section of this Act, shall be delivered by the Secretary of this Province, to the Mayor and councillors of the city of Quebec, to purchase the said railway, with all its hereditaments, stock and appurtenances, in the name and on behalf of Her Majesty, upon giving to the said company three months' notice in writing of his intention, and upon payment of a sum equal to twenty years purchase of the annual profits divisible upon the subscribed and paid up stock of the said railway, estimated on the average of the seven then next preceding years ; Provided that the average rate of profits for the said seven years, shall not be less than the rate of ten Pounds in the Hundred, and it shall be lawful for the company, if they shall be of the opinion that the said rate of twenty years purchase of the said railway, reference being had to the prospective profits thereof, to require that it shall be left to arbitration in case of difference, to determine what (if any) additionnal amount of purchase money shall be paid to the said company ; Provided also, that such option of purchase shall not be exercised, except with the consent of the company, while any Order in Council, reducing the Tolls fixed and regulated by any By-law of the said company shall be in force.

The Govern-
ment may
after a certain
time assume
the Railway,
&c., and on
what terms.

Proviso.

26. And be it enacted, That from and after the commencement of the period of seven years, next preceding the period at which the said option of purchase will become available, full and true accounts shall be kept by the Directors of the said company, of all sums of money received and paid on account of the said railway ; and the said company, shall once in every half year during the said period of seven years, cause a half yearly account in abstract to be prepared, shewing the total receipt and

Company to
keep accounts
with reference
to such as-
sumption.

They shall transmit copies of such accounts to the Inspector General.

expenditure on account of the said railway, for the half year ending on the Thirtieth day of June, and on the Thirty-first day of December respectively, under distinct heads of receipt and expenditure, with a statement of the balance of such account duly audited and certified, under the hands of two or more of the Directors of the said company, and shall send a copy of such account to the Inspector General, on or before the last days of August and February respectively ; and it shall be lawful for the Governor in Council, if and when he shall think fit, to appoint any proper person or persons to inspect the accounts and books of the said company, during the said period of seven years ; and it shall be lawfull for any person so authorized, at all reasonable times, upon producing his authority, to examine the books, accounts, vouchers and other documents of the company, at the principal Office or place of Business of the company, and to take copies or extracts therefrom.

Debentures to be in the form of the Schedule to this Act.

Hypothec under such Debentures.

27. And be it enacted, That any Debenture in the form of the Schedule A to this Act, issued by the said company, shall be valid and effectual to all intents and purposes according to the tenor thereof, and shall bind the company, and any Municipal Corporation which shall guarantee the same and if such Debenture shall purport to give a mortgage or hypothec on the railway and property of the said company, such mortgage or hypothec shall be valid and shall rank from the date of such Debenture if the same be registered within one month from such date, and no such Debenture need be passed before a Notary or Notaries in order to give validity to such mortgage or hypothec, which shall include the iron rails and other parts of the track of the railway, and all bridges, buildings, constructions and fixtures upon the line of the railway or that part thereof to which the mortgage or hypothec shall by the terms of such Debenture extend, nor shall any more formal or particular description of the property than that given in the said Form be requisite ; and any such Debenture shall be registered as hereinafter mentioned on proof of the signature thereto and of the common seal of the company, by the oath of any one credible witness before the Registrar :

And for facilitating the registration of the said Debentures, ^{Registration facilitated.}
 Be it enacted, That the registration thereof, in the Registry Office of the county of Quebec, shall be sufficient and shall have the same effect as if they were registered in every county through which the said railway shall pass or in which the property mortgaged or hypothecated shall lie, and the said company may furnish the Registrar of the said county of Quebec, with a Book or Books containing copies of the Form aforesaid, one copy on each page, with such blanks as may be convenient for the several case, and the registry of any Debenture by copying the same at length in any of the said Books (without copying the interest *coupons*) and appending the certificate of Registry thereto, shall be a sufficient registry of such Debenture, and a corresponding certificate of registration shall be given by the Registrar on the original Debenture : and if ^{Cancelled Debentures.} any registered Debenture shall be brought to the said Registrar, with the word "cancelled" written across its face over the signature of the President or Secretary of the said company, then on the oath of one credible witness before the Registrar, that such signature and the word "cancelled" were written in his presence by the President or Secretary of the said company, the Registrar shall make an entry of the cancellation of such Debenture in the margin of the page on which the same is registered, and the cancelled Debenture shall remain of record in his office : and the fee of the Registrar for registering any ^{Fees.} Debenture shall be Two Shillings, and for entering the cancellation of any Debenture One Shilling, and no more.

28. And be it declared and enacted, That the Act ^{Act 16 V. c.} passed in the present session, intituled, *An Act to empower* ^{39, and Act} *any Railway Company whose Railway forms part of the Main* ^{amending it,} *Trunk Line of Railway throughout this Province, to unite* ^{to apply to the} *with any other such company or to purchase the property and* ^{Company and} *rights of any such company, and to repeal certain Acts, therein* ^{their Railway.} *mentioned incorporating Railway Companies, and the Act of this session amending the same, shall apply to the said North Shore Railway Company and their Railway.*

29. And be it enacted, That this Act shall be a Public ^{Public Act.} Act ; and that in citing this Act in any other Act, or in any ^{Short title.}

pleading or judicial proceeding, or in any contract or other document or instrument whatsoever, it shall be sufficient to use the expression "The North Shore Railway Act."

SCHEDULE A.

FORM OF DEBENTURE.

NORTH SHORE RAILWAY.

No. £ Sterling or Currency.

This Debenture witnesseth that the North Shore Railway Company, under the authority of their Act of Incorporation, have borrowed and received from the sum of sterling (*or* currency) as a loan, to bear interest at the rate of per centum per annum, from the date hereof, the said interest payable half yearly on the day of and the day of in each year, at to the said or the bearer of the proper interest *coupon* hereunto attached: and that the said company promise and bind themselves to pay the principal sum so borrowed as aforesaid to the said or the bearer hereof at on the day of one thousand eight hundred and

If the Debenture is to carry a mortgage or hypothec say :

And for the due payment of the said principal sum and interest, the said company, under the authority of their said Act of Incorporation, hereby mortgage and hypothecate "the whole of the Railway called the North Shore Railway from its terminus at Quebec to its terminus at Montreal, both termini inclusive, and all the appurtenances thereof," *or as the case may be.*

In witness whereof, I the President of the said company, have hereunto set my hand and affixed the common seal of the said company, at the city of Quebec,

on the day of one thousand eight
hundred and

A. B.

President. [L. s.]

C. D.

Secretary.

If the Debenture be guaranteed by any Municipal Corporation, say : " Guaranteed by (name of Corporation)."

J. H.

Mayor. [L. s.]

Registered in the Registry Office of the county of
Quebec, on the day of one thousand
eight hundred , on page of Book

E. F.

Registrar.

CHAP. 34.—18 VICTORIA.

An Act to amend the Act of Incorporation of the
North Shore Railway Company.

[Assented to 18th December, 1854.]

Preamble.

WHEREAS the original subscription book of the North Shore Railway Company, kept in conformity with the Act sixteenth Victoria, chapter one hundred, incorporating the company above mentioned, was destroyed by Fire on the thirtieth day of December, one thousand eight hundred and fifty-three, and it is expedient to provide a remedy for the inconveniences which might arise from such destruction ; And whereas it is necessary to amend the Act above referred to : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows :

Authentic
copy of the
original sub-
scription book
to be made
and delivered
to the Com-
pany: and for
what purposes
it shall be
used in
evidence, &c.

1. Within the period of one month from and after the passing of this Act. the Secretary of the Province shall affix the seal of the Province to and shall deliver to the North Shore Railway Company, the copy of the said Stock or Subscription Book, and the documents accompanying the same, transmitted to him by the clerk of the city of Quebec, in conformity with the provisions of the second section of the Act above cited, which said copy shall have been previously certified by the said Secretary of the Province, as being that transmitted to him by the clerk of the city of Quebec ; and the said copy shall thenceforth be considered to all intents and purposes as the original, and shall have the same force and effect ; and the signature of any person, whose name shall be found to be

inscribed in the said copy as a subscriber or shareholder, shall be considered as having been inscribed in the original book by the said subscriber or shareholder, and in case of denial on the part of such subscriber or shareholder, it shall be sufficient in order to prove the said signature or the number of shares subscribed for by the said subscriber or shareholder, that the person or persons whose name or names shall appear upon the said copy as that or those of the witness or witnesses to the said signature, to declare under oath that the said subscriber or shareholder did place his signature or mark (as the case may be) in the said original subscription book, or did subscribe for the said shares ; any law or usage to the contrary notwithstanding.

2. It shall be lawful for the said company when they shall be hereunto authorized at a special meeting of the shareholders, to be previously called for that purpose, provided always, that at such meeting three fourths of such shareholders present must assent, to purchase, take, possess and subscribe for shares in any other railway or steam ferry company across the river St. Lawrence, at any point between Quebec and Montreal inclusive, when they shall deem it advantageous to the interests of the said North Shore Railway Company, and the Directors of the said company may authorize one or more persons to vote in respect of the shares, at any meeting of such railway or steam ferry company as aforesaid, in which the said North Shore Railway Company shall have so taken shares.

Company may hold Shares in certain other undertaking.

Voting on such Shares.

3. The number of the Directors of the company shall be *twelve*, who shall from and after the fifteenth day of the month of June next, be elected annually at the general meeting of the stockholders, in the manner and form provided in and by the *Railway Clauses Consolidation Act*.

Number of Directors.

4. The Directors may employ as paid Directors one or more of their number.

Paid Directors.

5. From and after the passing of this Act, no private shareholder shall be entitled to vote at any of the Elections required or authorized by the said Act, unless he shall have paid all instalments called in and due at the date of the said meetings.

Shareholders in arrear not to vote.

Proof of payment of calls.

6. The payment of such instalments shall be authenticated by the certificate of the treasurer of the said company.

Parties in arrear to receive Notice.

7. Any subscriber who shall neglect or refuse to pay one or more of the instalments called in by the said company, shall be required so to do by notification, in writing under the signature of the treasurer of the said company, and the said notification shall be left at the residence for the time being of the said Shareholder, or at the domicile which he shall have elected at the time of subscribing:

Proof of notice.

Proof of service of such notification shall be made by the oath of the person serving the same.

Public Act.

8. This Act shall be a Public Act.

CHAP. 149.—20 VICTORIA.

An Act to incorporate the St. Maurice Railway and Navigation Company.

[Assented to 10th June, 1857.]

WHEREAS certain persons have petitioned that an Preamble.
 Act may be passed authorizing the construction of a railway from some point adjoining the track of the North Shore Railway Company, at or near Three-Rivers, hereafter to be selected, to the Grand Piles on the River St. Maurice where the Steam Navigation of that River commences, with power to run one or more Steamers on the navigable waters of that River above the said Grand Piles, and the right of carrying passengers and goods for hire ; And whereas a railway so constructed on the said conditions would advance the colonization of the Valley of the St. Maurice, and render available the ungranted Lands of the Crown adjacent to the River St. Maurice : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Joseph Morrin, Andrew Stuart, Eugène Chinic, Joseph Hamel, Jean Baptiste Renaud, Charles Alleyne and Olivier Robitaille, The Honorable Joseph Cauchon, François Evan-turel, François Baby, George Honoré Simard, George O'kill Stuart, Napoléon Casault, Jean Elie Thibaulteau, all of Quebec, Esquires, and Joseph Edouard Turcotte, Antoine Polette and Aimé Desilets, of Three-Rivers, Esquires, Sir George Simpson, of Montreal, Knight, Jacques Olivier Bureau, of the County of Napierville, Esquire, and Louis Léon Lesieur Desaulniers, of the county of St. Maurice, Esquire, together with such other person or persons, corporations and municipalities as shall under the provisions of this Act, become shareholders in the company hereby incorporated shall be and are hereby ordained, constituted and declared to be a body corporate and Company in-corporated. Corporate name and powers.

politic by and under the name of the St. Maurice Railway and Steam Navigation Company.

Certain clauses of 14, 15 V. c. 51, incorporated with this Act.

2. The several clauses of the Railway Clauses Consolidation Act, with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said last mentioned Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their election and duties," "Shareholders," "Actions for indemnity and fines and penalties and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act, and shall accordingly apply to the said company and the said railway, except only in so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the provisions of the Railway Clauses Consolidation Act which are incorporated with this Act as aforesaid.

Line of Railway described

3. The company hereby incorporated and their servants and agents shall have full power to lay out and construct a railway between such point connecting with the line of the said railway company leading from Quebec to Montreal, in the town of Three Rivers, or on the east bank of the St. Maurice, as they shall select, and the place called the Grand Piles or wherever beyond that place the navigation of the rivers St. Maurice commences, with full powers to pass over any portion of the country between the points aforesaid and to carry the said railway through the Crown Lands lying between the same. The said company shall also have full power and authority to build, purchase, hold, keep and run one or more steamers on the said river St. Maurice above the said Grand Piles on the navigable waters thereof, and shall be entitled to charges, fares and freight for passengers and goods carried on board the same; Provided always that the railways to be constructed under this Act shall have its terminus in the town of Three Rivers: and in case the said railways shall be built on the east side of the river St. Maurice, such railways may be extended to the confluence of the river

Power to run Steamers for freight and passengers.

Proviso.

St. Lawrence and St. Maurice, on the bank of the latter river.

4. The capital of the company hereby incorporated shall ^{Capital.} be two hundred thousand pounds currency (with power to increase the same in the manner provided by the ^{Increase.} Railway Clauses Consolidation Act,) which said capital shall be raised in thirty-two thousand shares of six pounds ^{Shares.} five shillings each, and every such share shall entitle the proprietor on every occasion when the votes of the share- ^{Votes.} holders are to be given, to one vote for every such share.

5. From and after the passing of this Act, the said ^{Provisional} Joseph Merrin, Andrew Stuart, Eugène Chinic, Joseph ^{Directors} Hamel, Jean Baptiste Renaud, Olivier Robitaille, The ^{named.} Honorable Joseph Cauchon, François Évanturel, François Baby, George Honoré Simard, George O'kill Stuart, Napoléon Casault, Jean Elie Thibodeau, Sir George Simpson, Knight, Jacques Olivier Bureau, Louis Léon Lesieur Desaulniers, John McDougall, Charles Alleyn, Joseph Edouard Turcotte and Antoine A. Polette, and George Baily Houliston, shall be Provisional Directors of the said company for carrying into effect the object and purposes of this Act.

6. Deeds and conveyances under this Act for the lands ^{Form of con} to be conveyed to the said company for the purposes of ^{veyances to} this Act, shall and may, as far as the title to the said lands ^{the Company.} or circumstances of the parties making said conveyance will admit, be made in the form given in the Schedule to this Act marked A, and all Registrars are hereby required to register in their registry books such deeds on the pro- ^{Registration.} duction thereof and proof of execution, without any memorial, and to minute every such entry on the deed, and the said company shall pay the registrar therefor two ^{Fees.} shillings and six pence, and no more.

7. It shall and may be lawful for the Provisional Direc- ^{Vacancies} tors for the time being of the said company, or a majority ^{among Provi-} of them, to supply the place or places of any of their ^{sional Direc-} number from time to time dying or declining to act as such ^{tors, how sup-} Provisional Director or Directors, out of the several sub- ^{plied.} scribers for stock in their said railway to the amount of

Powers of
Provisional
Directors.

one hundred and twenty five pounds currency each during the period of their continuance in office ; and such Provisional Directors, except as hereinafter provided, shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and are hereby made subject unto the like restrictions, as the elective Directors of the said company, upon their being elected by the stockholders of the said company as hereinafter provided, would under the provisions of the Railway Clauses Consolidation Act become invested with or subject unto respectively.

First general
meeting for
election of
Directors.

8. When and so soon as shares to an amount equivalent to fifty thousand pounds currency in the capital stock of the said company shall be taken, and ten pounds per centum thereon shall have been paid into some one of the Chartered Banks of this Province, it shall and may be lawful for the Provisional Directors of the said company for the time being to call a meeting, at the city of Quebec, of the subscribers for stock therein, and who have paid ten per centum thereon as aforesaid for the purpose of electing Directors of the said company : Provided always, that if the said Provisional Directors shall neglect or omit to call such meeting, then the same may be called by any of the holders of shares in said company holding among them not less than an amount equivalent to five thousand pounds currency ; and of any meeting so called by the Provisional Directors, or by the shareholders as aforesaid, public notice for one month shall be given in at least two news-papers, one published in English and one in French, at Quebec, and in the English and French languages in one or two news-papers published in the town of Three Rivers, immediately preceding the time of such meeting ; and at such general meeting the shareholders assembled, with such proxies as shall be present, shall choose nine persons to be Directors of the said company being each a proprietor of shares therein to an amount not less than one hundred and twenty-five pounds currency, and shall also proceed to pass such rules and regulations and by-laws as shall seem to them fit, provided they be not inconsistent with this Act.

Proviso: in
case of omis-
sion to call
such meeting.

Election of
Directors.

Term of office. 9. The Directors so appointed or those appointed in

their stead (at a meeting to be called for that purpose under the conditions aforesaid) in case of vacancy, shall remain in office for one year, or until such time as shall be appointed by any by-law of the company, not exceeding the said term of a year; and the shareholders shall yearly, Annual general meetings. in like manner at such time and place as shall be provided for by the by-laws, meet and elect Directors in the room of those whose period of office shall have expired, and generally to transact the business of the company; but Special general meetings. if at any time it should appear to any ten or more of such shareholders holding together one thousand shares at least, that a Special General Meeting of the Shareholders is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof, in such newspapers as hereinbefore provided, specifying in such notice the time and place, and the reason and intention of such Special Meeting respectively and the shareholders are hereby authorized to meet Powers of special general meetings. pursuant to such notice and proceed to the execution of the powers by this Act given to them with respect to the matter so specified only; and all such acts of the shareholders or the majority of them at such special meetings assembled, (such majority not having either as principal or proxies less than five hundred shares) shall be as valid to all intents and purposes as if the same were done at Annual Meetings.

10. It shall and may be lawful for the Directors of the said company for the time being, to make, execute and Directors to issue scrip for stock, bonds, &c. deliver all such scrip and shares certificates, and all such bonds, debentures, mortgages or other securities, as to the said Directors for the time being shall from time to time seem most expedient for raising the necessary capital for the time being authorized to be raised by the said company, or for raising any part thereof.

11. All bonds, debentures and other securities to be Bonds, &c., may be payable to bearer. executed by the said railway company may be payable to bearer, and all such bonds, debentures or other securities of the said company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective

bearers and owners thereof for the time being in their own names.

Quorum of
Directors.

12. Any meetings of the Directors of the said company, at which not less than five of such Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

Calls.

Proviso limit-
ing calls.

13. Calls may be made by the Directors of the said company for the time being : Provided that no call to be made upon the subscribers for stock in the said railway company, shall exceed the sum of ten pounds per centum upon the amount subscribed for by the respective shareholders in the said company, and that the amount of any such calls in any one year shall not exceed fifty pounds per centum upon the stock so subscribed ; Provided also, that upon the occasion of any person or corporation becoming a subscriber for stock in the said company, it shall and may be lawful for the Provisional and others Directors of the said company for the time being to demand and receive to and for the use of the said company the sum of ten pounds per centum upon the amount so by such person or corporation respectively subscribed, and the amount of such calls as shall have already been made payable in respect of the stock then already subscribed, at the time of such person or corporation respectively subscribing for stock.

Proviso: ten
per cent, to be
paid on sub-
scribing, &c.

One million
and a half
acres of waste
lands to be
granted to the
Company on
their com-
pleting the
Railway and
running the
Steamers.

14. And in order to aid and encourage the said railway and the navigation of the St. Maurice, Be it enacted, that one million five hundred thousand acres of the ungranted lands of the Crown in the neighbourhood of said river St. Maurice as close to the said railway as may be, shall be and are hereby set aside for the purposes of this Act, and whenever the said railway shall be actually completed in a good and permanent manner with Stations, rolling Stock and other appurtenances sufficient for the proper working thereof, then upon the report of some skilled engineer whom the Governor shall appoint for that purpose, and the approval of such report by the Governor in Council, and upon satisfactory evidence that the said company is proprietor of one or more steamers suited for the navigation of the St. Maurice, on the said river, and

on the company giving a bond to the satisfaction of the Inspector General to run such steamer and to keep open the said railway, there shall be granted to the said company, by the Governor in Council, one million five hundred thousand acres of ungranted lands of the Crown lying as near as may be to the said railway, and the said navigable waters of the St. Maurice; and such grant shall be a free grant, and the company shall have full power to alienate the lands so granted, and to deal with the same in such manner as they may think proper; Provided always that such grant shall be of tracts of ten miles front by twenty in depth, alternating with other tracts to be reserved for Public Lands; and the Directors of the said company may, subject to the aforesaid conditions, pledge its interest in such lands as security for any sum necessary to construct the said railway and works, or to build or purchase the said steamer or steamers.



Proviso:
Grant to be of
blocks alter-
nating with
lands reserved.

15. The said North Shore Railway Company shall have the right of amalgamating with the said St. Maurice Railway and Steam Navigation Company, as one company, within one year from the passing hereof; and as far as the same shall be necessary to such union and to all proceedings previous or subsequent thereto, the provisions of the Acts passed in the sixteenth year of Her Majesty's Reign, and chaptered, respectively, thirty-nine and seventy-six, shall apply as fully as to the railways and railway companies therein mentioned: Provided always, that whenever the Directors of the North Shore Railway Company (within one year from the passing of this Act) have decided to amalgamate that company with the Saint Maurice Railway and Navigation Company, and two thirds of the votes of the shareholders of the said North Shore Railway Company present, in person or by proxies, at a general meeting called expressly for that purpose in the manner provided by the eighth Section of this Act, shall have ratified the above decision of the said Directors, then the said two companies shall by virtue of such ratification be *ipso facto* amalgamated, without any action or assent on the part of the St. Maurice Railway and Steam Navigation Company, and shall become one and the same corporation and company, under the title of the North Shore and St.

Company may
unite with the
North Shore
Railway Com-
pany.

Act 16 V. cc.
39 and 76, to
apply.

Proviso: in case of amalgamation, shareholders who do not approve thereof may retire.

Maurice Railway and Navigation Company, and the Directors and Provisional Directors (if any) of the two companies amalgamated, shall be the Directors of the company formed out of the said amalgamated companies, until the then next election of Directors which shall be made on the day appointed for the then next general meeting of the North Shore Railway Company for the election of Directors, according to the provisions of the Act incorporating that company: Provided further, that (in case of such amalgamation being decided upon) before such amalgamation shall be finally effected, any shareholders in the company hereby incorporated who may refuse to consent to such amalgamation, shall first be repaid all moneys by them paid on their stock, with interest, and shall thereupon cease to hold any stock or interest therein; And the proceeds of the said Crown Lands if sold, or the rents, issues and profits thereof, if retained, shall be applied to the construction of the railways of the said amalgamated company and to no other purpose whatsoever, until the whole railway line of the said amalgamated company shall be completed.

Company may acquire land off their Line of Railway for gravel pits for ballast, &c.

16. And whereas it may be necessary for the said company to possess gravel pits and lands containing deposits of gravel, as well as lands for stations and other purposes at convenient places along the line of railway for constructing and keeping in repair and for carrying on the business of the said railway, and as such gravel pits and deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found.—It is therefore enacted, that it shall be lawful for the said company and they are hereby authorised, from time to time to purchase, have, hold, take, receive, use and enjoy, along the line of the said railway or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty or any person or persons, or bodies politic, to give, grant, sell or convey unto, and to the use of or in any trust for the said company, their successors and assigns, and it shall and may be lawful for the said company to establish stations or workshops on any of such lots or blocks of

land, and from time to time by deed of bargain and sale or otherwise to grant, bargain, sell or convey any portions of such lands not necessary to be retained for gravel pits, sidings, branches, wood-yards, station grounds or workshop, or for effectually repairing, maintaining to the greatest advantage, the said railway and other works connected therewith.

17. The said railway shall be commenced within two years and completed within five years after the passing of this Act, and unless commenced and completed within the said several periods, all rights to the said grants of land shall cease, and it shall in either of such cases be lawful to pass an Act incorporating another company to construct the said railway from Three Rivers to the navigable waters of the river St. Maurice as aforesaid.

18. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

SCHEDULE A.

Know all men by these presents that I, *(insert the name of the wife also, if she is to release her dower, or for any other reason, to join in the conveyance)* do hereby in consideration of *paid to me, (or, as the case may be)* by the St. Maurice Railway and Steam Navigation Company, the receipt whereof is hereby acknowledged, grant, bargain, sell convey, and confirm unto the said St. Maurice Railway and Steam Navigation Company, their successors and assigns, for ever, all that certain parcel or tract of land situate *(describe the land)* the same having been selected and laid out by the said company for the purpose of their railway; to have and to hold the said land and premises together with every thing appertaining thereto, to the said St. Maurice Railway and Steam Navigation Company, their successors and assigns for ever,

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(if there be dower to be released, add) and I, (name the wife)
hereby released my dower in the premises.

Witness my hand (or our hands) and seal (or Seals) this
day of , one thousand eight hundred
and

A. B. (L. s.)

C. D. (L. s.)

Signed, sealed and delivered
in the presence of
O. K.

CHAP. 56.—22 VICTORIA.

An Act to change the name of the North Shore Railway and St. Maurice Navigation Company.

[Assented to 24th July, 1858.]

WHEREAS with the view of facilitating the operations Preamble.
and the sale of the stock of the North Shore Railway and St. Maurice Navigation Company, in accordance with the Petition of the Directors of the amalgamated company formed by virtue of the Act hereafter mentioned, it is desirable that the name of the said amalgamated company should be changed : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. From and after the passing of this Act, the North Name of Com-
Shore Railway and St. Maurice Navigation Company shall pany to be
be named and known as the *North Shore Railway and St.* changed.
Maurice Navigation and Land Company, and the said last
name shall hereafter be the only name which the said
company shall have, and shall replace its present name,
any thing in the Act passed in the twentieth year of Her
Majesty's reign, chaptered one hundred and forty-nine, to
the contrary notwithstanding : And the free grant of a How the free
million and a half acres of land provided by the said Act, grant of land
shall be granted to the said company, in such alternate to the Com-
blocks within the water-shed of the St. Maurice, as the pany may be
Governor in Council may direct : Provided always, that made.
nothing contained in this Act shall prevent any Such change
obligation or other document whatsoever, made, passed or not to invali-
executed before the passing of this Act, in relation to or date any pro-
in favor of the North Shore Railway and St. Maurice ceedings by
Navigation Company, from having as full and complete or in respect
effect as though the name of the North Shore Railway and to said Com-
St. Maurice Navigation and Land Company were inserted pany under
therein. former name.

Day of annual
election of
Directors.

2. And whereas it is expedient to fix the day upon which the election of the twelve Directors of the said amalgamated company shall take place, Be it therefore enacted, that from and after the passing of this Act, the said election of such twelve Directors of the said amalgamated company, shall take place annually on the twenty-eighth day of June, or should that day be a Sunday or legal holiday, on the following day not being a Sunday or holiday.

Public Act.

3. This Act shall be deemed a Public Act.

CHAP. 80.—24 VICTORIA.

An Act (*) to incorporate the Canada Central Railway Company, and to amend the Act, intituled :
*An Act to provide for and encourage the construction of
 a Railway from Lake Huron to Quebec.*

[Assented to 18th May, 1861.]

WHEREAS it has been found that the construction of ^{Preamble.}
 the railway authorized by the Act passed in the
 nineteenth and twentieth years of Her Majesty's Reign, ^{19-20 V. cap.}
 intituled : "*An Act to provide for and encourage the cons-*" ^{112.}
truction of a Railway from Lake Huron to Quebec, has been
 attended with difficulty in consequence of the want of a
 concentrated interest therein ; and whereas it is expedient
 to extend and amend the said Act and to change the name
 of the company ; and whereas certain persons have, by
 their petition, represented that the vast country extending
 through the interior of this province is wholly without
 railway communication, and would be greatly benefited if
 opened up thereby ; and whereas the said persons have,
 in their said petition, prayed to be incorporated for the said
 purposes, and for the purposes of the said recited Act,
 under the name of the Canada Central Railway Company :
 Therefore, Her Majesty, by and with the advice and con-
 sent of the Legislative Council and Assembly of Canada,
 enacts as follows :

1. Nicolas Sparks, John Supple, Alexander McIntosh, ^{Company in-}
 Christopher Armstrong, William O'Meara, P. Pearson ^{corporated.}
 Harris, Thomas Langrell, Peter A. Eglison, William Jno.
 Wills, J. B. Mongenais, Joseph Hinton, Robert Craig,
 James Deyke, James Goodwin, Francis Clemow, James

(*) This Act is introduced to show the relations of the *North Shore Railway* to
 the *Canada Central Railway*, on the conditions on which the former is entitled to
 receive the Grant Land of 1,200,000 acres herein appropriated in its aid.

The Act of 19-20 Victoria mentioned in the Preamble, is entirely superseded by
 this Act, and its provisions have no force in this connection.

Leamy, John Forgie, James Skead, Alexander Scott, J. M. Currier, John W. Loux, Richard W. Scott and William Frederick Powell, esquires, with all such other persons, corporations and municipalities as shall become Shareholders in the company hereby constituted, shall be, and they are hereby ordained, constituted and declared a body corporate and politic, by the name of the "Canada Central Railway Company."

Corporate
name.

Certain parts
of 19-20 V. c.
112, repealed;
and the new
Company
substituted
for those men-
tioned in it.

Exceptions.

Proviso, as to
Montreal and
Bytown Rail-
way.

Proviso, as to
North Shore
Railway.

Provisions of
Railway Act
to apply.

Line of Rail-
way defined.

2. The first, second, third and eleventh section of the said Act cited in the preamble of this Act, in so far as they are inconsistent with the provisions of this Act, and so much of any other section thereof or of any other Act, as is inconsistent with this Act are hereby repealed, and the said Canada Central Railway Company is hereby declared to be in the place and stead of the companies therein named; except as regards the Brockville and Ottawa Railway Company, the Carillon and Grenville Railway Company, and the North Shore Railway Company therein named, which last mentioned companies, together with the Canada Central Railway Company, shall hereafter be entitled to all the benefits, franchises and privileges granted by the above cited Act, except in so far as they are by this Act altered, and all the remaining clauses and provisions of the said recited Act, not inconsistent with this Act shall be the same as if incorporated herewith; provided, always, that in conformity with the Act twenty-third Victoria, chapter one hundred and eight, whenever the Montreal and Bytown Railway Company is mentioned in the said Act, the provisions referring thereto shall be held to apply to the Carillon and Grenville Railway Company; provided also, that the North Shore Railway Company, mentioned in this Act, means the North Shore Railway and St. Maurice Navigation and Land Company.

3. All the provisions of the railway Act shall be incorporated with this Act, save in so far as they may be inconsistent with any express enactment herein contained.

4. The company may lay out, construct and finish a double or single track of railway from such point on Lake Huron as may be found best adapted for the purpose to the city of Ottawa by way of Pembroke and Arnprior, and

from the city of Ottawa to the city of Montreal ; provided, Proviso.
 always, that without the consent of the Directors of the
 said Canada Central Railway Company, the Carillon and
 Grenville Railway Company shall not have power to
 construct the section of the said railway between Hawkes-
 bury and Ottawa until the expiration of three years from
 the passing of this Act, nor afterwards if the Canada Cen-
 tral Railway Company shall have commenced, and shall
 proceed with the construction thereof.

5. The company hereby incorporated the said North The Company
 Shore Railway Company, the Carillon and Grenville Rail- and certain
 way Company, by that name or under the corporate name others may
 of the Ottawa Valley Railway Company, or any two of amalgamate.
 them, lying contiguous to each other, may, if they deem it
 advisable, unite together as one company ; and such union
 may be made by a deed of agreement between the com-
 panies so amalgamating, first approved of by resolutions
 passed respectively at meetings of the stockholders of such
 companies specially called for the purpose ; and such deed Deed of amal-
 shall specify the name to be used as the corporate name gamation.
 of such amalgamated company, which shall be the name of
 one of the companies so amalgamating, and shall be valid
 and binding upon all persons and parties concerned ; and New name,
 upon such amalgamation, the new company thereby rights and
 formed shall forthwith cause the fact of such amalgam- obligations.
 ation and the corporate name thereby assumed to be ad-
 vertized in *The Canada Gazette* ; and thereupon the new
 company shall have all the rights, powers, claims and pri-
 vileges, and shall be subject to all the duties and obliga-
 tions conferred upon or held by the companies so amal-
 gamating or to which such companies were subjected by
 their Acts of incorporation.

6. And for the better adjustment of the proportions of the Division of
 said several companies in the lands appropriated and set the lands ap-
 apart in aid of the said line of railway by the Act cited in propriated by
 the preamble of this Act, it is hereby enacted that they 19-20 Vic. c.
 shall be regulated as follows, to wit : setting apart in aid 112, among
 of the said North Shore Railway Company three tenths several Com-
 thereof, and dividing the remainder thereof into as many panies.
 parts as there are miles in distance between Montreal and
 the extreme North Western terminus, which could be

Proviso.

Proviso.

Proviso.

Proviso.

reached by the main line of any or the five companies mentioned in the second sub-section of the third section of the said Act, under their respective Acts of incorporation, namely, the village of Pembroke, and appropriating one such part thereof to each and every mile of such distance in aid of the construction thereof; Provided, always, that the powers of the said North Shore Railway Company, the Brockville and Ottawa Railway Company, and of the Carillon and Grenville Railway Company, in respect of the portions of the said line of railway which they are empowered to construct by their respective Acts of incorporation and by the Acts in amendment thereof, shall not be abridged by the provisions hereof except in so far as they are abridged by the proviso in the fourth clause of this Act; and provided, also, that in the computation of the said distance the line of railway contemplated by the Act cited in the preamble to this Act, shall be followed as nearly as may be in conformity with the third clause thereof, but without reference to the parts therein established; except that the distance between Vaudreuil and Hawkesbury shall also be computed as part of the said distance, and that no portion of the Grand Trunk Railway, of which any of the said companies shall avail themselves to reach Montreal, shall be held to form a portion of the distance for which said company shall be entitled to aid under this Act; provided, always, that if, within five years from the passing hereof, the Brockville and Ottawa Railway Company shall proceed with and complete the construction of the portion of the said railway lying between Arnprior and Pembroke, they shall be entitled to all the privileges in respect of the said appropriation, to which the said Canada Central Railway Company would be entitled under the provisions of this Act on constructing the said portion of the said railway; and provided, also, that in the event of the Canada Central Railway Company failing to construct the said portion of the said railway, between the city of Ottawa and Vaudreuil or any part thereof, within five years from the passing hereof, the Vaudreuil Railway Company, under its Act of incorporation, which shall continue to be in force, shall have the right to construct the same, and thereupon shall have all the privileges hereby conferred upon the Canada Central Railway Company in respect of the said portion thereof.

7. Deeds and conveyances, under this Act, for the lands to be conveyed to the said company for the purposes of this Act, shall and may, as far as the title to the said lands or the circumstances of the parties making such conveyance will admit, be made in the form given in the Schedule annexed to this Act, marked A ; and all registrars are hereby required to register such deeds in their registry books on the production thereof and proof of execution, without any memorial, and to minute every such entry on the deed ; the said company are to pay the registrar for so doing the sum of two shillings and six pence and no more.

Form and registration of Deeds under this Act.

8. John W. Loux, Robert Craig, James Skead, Richard W. Scott, Henry W. McCann, John McKay, John Supple, Joseph Hinton, William Frederick Powell, Coll. McDonald, John Forgie, Peter A. Eglison, William F. Lewis, William Dean and J. B. Mongenais, are hereby constituted and appointed the first Directors of the company, and, until others shall be named as hereinafter provided, shall constitute the board of Directors of the company, with power to fill vacancies occurring thereon, and to associate with themselves thereon not more than three other persons, who, on being so named, shall become and be Directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto, for the election of other Directors as hereinafter provided, and with all such other powers as under the railway Act, are vested in such board.

First Directors named.

Their powers.

9. So soon as one-tenth of the capital stock shall have been subscribed, and not less than five per cent of the amount subscribed shall have been paid in and deposited in some Chartered Bank to the credit of the company, it shall be lawful for the said Directors, or a majority of them, by public notice, to be given at least thirty days previous in the *Canada Gazette*, and in one or more newspapers published in the cities of Montreal and Ottawa, to call a first general meeting of the shareholders, at such time and place as they shall think proper ; and, at such meeting, and at every annual general meeting of the company therefor, there shall be elected not less than seven nor more than ten Directors, to serve until the next annual general meeting, and until their successors are appointed,

First general meeting of Shareholders and election of Directors.

Votes of
Municipal
Corporation
holding stock.

and at every such meeting, each municipal or other corporation, holding stock to the amount of twenty thousand dollars or more and not being in arrear for any call thereon, may either take part in such election as an ordinary shareholder, or may abstain from so doing ; and each such corporation, as shall so abstain, may, either then or at any time thereafter, by By-law in that behalf, name one other Director, who need not himself be a shareholder, to serve for the like term—the thirty-fourth and seventy-eighth sections of the railway Act being in this behalf thereby superseded.

Ten per cent
may be requi-
red down.

Instalments.

10. The Directors may require, should they deem it desirable, all parties subscribing for stock in the said company to pay a deposit of not more than ten per cent thereon ; the amount of such deposit shall be decided by the board of Directors, and future calls for instalments shall at no one time exceed five per cent, nor shall more than one call be made within thirty days.

Qualification
of Directors.

11. No person shall be qualified to be elected such Director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the company, and has paid all calls thereon.

Annual gene-
ral meetings.

12. The annual general meetings of the company shall be held thereafter on the first Wednesday in the month of June yearly, or on such other day as shall be appointed by any By-law of the company, and, at such place and hour as by such By-law shall be appointed ; and public notice thereof shall be given at least thirty days, previously, in the *Canada Gazette* and in one or more newspapers published in the cities of Montreal and Ottawa.

One vote for
each share.

13. Every proprietor of shares in the said company shall be entitled on every occasion when the votes of the members of the said Canada Central Railway Company are given, to one vote for every share held by him.

Votes of
Municipal
Corporations.

Proxies.

14. At all meetings of the company, the stock held by municipal and other corporations may be represented by such person as they shall have respectively appointed in that behalf by By-law, and such person shall, at such meeting, be entitled equally with other shareholders, to vote

by proxy ; and no shareholders shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

15. From and after the first general meeting of the company, the Directors so chosen as aforesaid by the shareholders as aforesaid, and the Directors representing corporations as aforesaid shall form the board of Directors of the company ; and if any vacancy shall occur by death, resignation or otherwise, among the Directors of the former class, a majority of the remaining members of the board may elect any qualified shareholder to fill the same ; and if any vacancy shall occur among the Directors of the latter class, the corporation interested may, by By-law, name another person to fill the same.

16. Five members of the board of Directors of the company shall be a *quorum* thereof for the transaction of business ; and the board may employ one or more of their number as paid Director or Directors.

17. The capital stock of the company shall be the sum of seven millions of dollars, to be divided into seventy thousand shares on one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such stock ; and the money so raised shall be applied, in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the Surveys, Plans and Estimates connected with the works hereby authorized ; and all the remainder of such money shall be applied to the making, maintaining and working thereof, and the other purposes of this Act, and to no other purposes whatever ; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any county, town, township, parish or village, on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Directors to
issue certifi-
cates, bonds,
&c.

18. It shall and may be lawful for the Directors of the said company, for the time being, to make, execute and deliver all such scrip and share certificates, and all such bonds, debentures, mortgages or other securities as to the said Directors for the time being shall, from time to time, seem most expedient for raising the necessary capital for the time being authorized to be raised by the said company, or for raising any part thereof.

Company
may raise
money by
loan.

19. The company may raise, by way of loan upon their bonds or debentures, in addition to their authorized share capital, any sum not exceeding one half of their capital, and such bonds or debentures may be for such amount respectively as the said company may deem expedient, and all bonds and debenture to be executed by the said company, may be payable to bearer; and all such bonds, debentures, or other securities of the said company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof, for the time being, in their own names.

Debentures,
&c.

Payment of
interest until
the works are
completed.

20. It shall be lawful for the board of Director, out of the capital of the company, to provide and pay such sum as may, from time to time, with the earnings of the company available for dividend, be sufficient to pay interest upon the loan and stock and share capital of the company, until the completion of the authorized works of the undertaking of the company; Provided, always, that such payments shall not continue to be made upon the stock and share capital, except out of the earnings of the company, after the first day of May, one thousand eight hundred and sixty-six.

Proviso.

Extent of
land to be
taken for
Depots.

21. The company, for any of their stations or depots, at any place where such station or depot may be required for any of their works hereby authorized, may take land to the extent of twenty acres, without the consent of the proprietor thereof, but subject otherwise to the provisions of the railway Act in that behalf.

Agreements

22. The company may enter into any agreement with

the said North Shore Railway Company, the Grand Trunk ^{with other} Railway Company, or any other railway company, whose ^{Railway} line of operations may, in any wise, connect with the line ^{Companies.} of route of the company, for the leasing of their railway or any part thereof, to such other company, or for the leasing or hiring out to such other company, of any locomotives, cars, carriages, tenders, or other moveable property of the company, either altogether, for any time or times, occasion or occasions or for the using from such other company, of any railway or part thereof, or for the leasing or hiring from such other company, of any locomotives, cars, carriages, tenders or other moveable property, either altogether, or for any time or times, occasion or occasions, or for the using of the whole or any part of the railway, or moveable property of the company, or of the railway or moveable property of such other company, in common by the two companies, or generally may make any agreement or agreements with such other company touching the use by one or other, or both of such companies, of the railway or moveable property of either or both, or of any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; but ^{Proviso.} no such agreement as aforesaid shall be valid or binding for more than one year from the date thereof, unless in the course of such year, it be ratified by the shareholders of the company, duly assembled at a general meeting thereof.

23. The Directors of the company may, subject to the ^{Company may} rules and regulations, from time to time, of the board, ^{have an Agent} appoint an Agent in the city of London, in England, with ^{in England} power to pay dividends, to open and keep book of transfer, ^{with certain} for the shares of the company, and for the issue of scrip and stock certificates, and thereupon shares may be trans- ^{Transfer of} ferred from the Canada Office to the London Office in the ^{shares from} names of the transferees, in the same manner as shares ^{England to} may be transferred in the former office, and *vice versa*; and ^{Canada and} shares originally taken and subscribed for in Great Britain may be entered upon the books at the London Office, and scrip certificates be issued for them, and the Agent or other officer shall transmit an accurate list of all such transfer and scrip certificates so issued, to the secretary or other officer of the company in this province, who shall there-

upon make the requisite entries respecting ~~such~~ transfer and scrip certificates in the register kept in this ~~province~~; and thereupon the same shall be binding on the company so to all the rights and privileges of stockholders, as though the scrip certificates had been issued by the secretary of the company in this province.

When a section of the Railway is completed, a proportionate extent of public lands may be granted to the Company, &c.

24. It shall not be necessary, previous to the railway companies having a right to a share in the said land appropriation in virtue of this Act, or any one or more of them, being entitled to have their respective proportions of the said lands, that any other railway or portion of railway should be made by any other company; but, on the contrary, so soon as any portion of any of the said railways, not less than twenty miles in length, shall be actually completed in a good and permanent manner with stations, rolling stock and other appurtenances, sufficient for the proper working of such portion of such railway, then and thereafter, from time to time, upon the completion of similar portions thereof or of any other of the said railways, upon the report of the inspector of railways for the time being, the company which shall have constructed the same shall be entitled to a corresponding proportion of such grant of lands as they would be entitled to under the said Act nineteenth and twentieth Victoria, chapter one hundred and twelve, as amended by this Act, in the event of each of the companies forming the Lake Huron and Quebec Railway Company, complying with the conditions precedent to such grant provided for by the Act incorporating the said last mentioned company; and if no ungranted lands of the crown front on the said railway, then such grant of lands may be made from the vacant lands of the crown lying within the watershed of the Ottawa River.

Debentures to be a general charge on the lands of the Company.

Provision when such lands are sold and the purchase money paid.

25. Any debentures issued by the said companies, or any one or more of them, shall form a general mortgage and hypothèque upon all the lands hereafter to be granted to the company so issuing such debentures, provided the said lands be referred to in such debentures in general terms as being thereby charged or mortgaged; but the payment to the treasurer of the company, or to any other person appointed for the purpose as hereinafter provided, by any *bonâ fide* purchaser of any of the said lands, of the

purchase money thereof, and the acquittance by such treasurer, or other person so appointed on behalf of the holders of such debentures of such purchase money, shall operate as a discharge of such mortgage, in respect of the lands so paid for ; and until other provision be made under the power conferred by this Act for the reception of such moneys, the treasurer of such company is hereby authorized to receive such purchase money for and on behalf of the holders of such debentures, and shall keep all moneys so receive separate and apart from the ordinary funds of the company ; and shall be liable for such moneys, as a special depositary thereof, until they are invested as hereinafter mentioned ; and the moneys as received by such treasurer shall be invested, from time to time, in Government securities, or in the stock of some solvent and well established Chartered Bank in Canada, in the formation of a fund for the payment of the interest on such debentures as it becomes due, and for their redemption at maturity.

26. It if should be deemed more beneficial to the said companies, or any one or more of them, to allot the said lands so to be granted, or any portion thereof, to the stockholders therein, in proportion to the amount of stock taken by each stockholders, such company may do so, first regulating by a By-law the mode in which such allotment shall be made and evidenced ; and the shares in favor of which any allotment or appropriation of lands may be made, shall be called " Land Shares. "

The lands may be allotted to the Stockholders if deemed more beneficial.

27. The holders of the debentures of any of the said companies, having mortgage or hypothèque on said lands, or if the said lands be allotted among the shareholders, or any class of the shareholders thereof, then the holders of land shares, shall have the right to elect from among themselves three trustees, which election shall be made by such holders of debentures or of land shares as the case may be, at a meeting of such holders called for the purpose, in the same manner as is provided by the Act incorporating such company for special meetings of the shareholders thereof ; and may be made by a majority in amount of such holders present at such meeting, either in person or by proxy ; and such trustees shall have the sole and entire control, management, disposition and direction of the land

Election of Trustees to manage and dispose of the said lands.

Their powers.

represented by the holders of the debentures or land shares, or in which such shareholders have any interest ; and for and on behalf of such shareholders, may mortgage or sell and dispose of such lands and collect and receive the proceeds thereof, as they may see fit, and for that purpose may appoint an agent or agents and have an office or offices either in Canada or elsewhere, and on realizing the proceeds of the said lands or any of them, may divide the proceeds among such holders or invest the same for the benefit of such holders, and otherwise manage and administer such lands in such manner as may be prescribed by such holders, by resolution or by-law passed at a meeting thereof, called and held in the manner hereinbefore provided for the election of such trustees ; and such trustees shall also have the power, either in person or by proxy, to vote as Directors at meetings of Directors of such company ; Provided, always, that the proceeds, after payment of expenses of management, to be audited and approved by the Directors of the company, of the sale of any such lands, if hypothecated as security for any debentures, on being received by the said trustees or their agent in that behalf, shall, *pro tanto*, extinguished such debentures ; and provided, also, that if such lands be allotted in favor of land shares, such trustees shall not have any control over such lands until such land shares be paid up ; and until that time, such lands shall be managed by the Directors of the company, for the benefit of such land shares.

Proviso.

Proviso.

Public Act.

28. This Act shall be a public Act.

SCHEDULE A.

Know, all men by these presents, that I (or we, as the case may be) A. B. of in consideration of paid to me (or us as the case may be) by the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, convey, and confirm unto the said company, their successors and assigns for ever all that tract or parcel (or those tracts or parcels, as

the case may be) of land situate (*here describe the lands*) the same having been selected and laid out by the said company for the purposes of their railway : To have and to hold the said lands and premises, with all appurtenances, thereto, to the said their successors and assigns for ever (*here add clause for release of Dower if any*).

Witness my hand and seal (*or our hands and seals, as the case may be*) this day of in the year of Our Lord, one thousand eight hundred and

Signed, sealed and delivered in presence of

[NOTE.—The Statutes 29 Victoria, Chap. 80, and 29-30 Victoria, Cap. 94, relate to details regarding the *Canada Central Railway*, but have no bearing on the *North Shore or St. Maurice Railway*.]

CHAP. 85.—24 VICTORIA.

An Act to extend the period fixed for the completion of the works of the North Shore Railway and St. Maurice Navigation and Land Company.

[Assented to 18th May, 1861.]

Preamble.

WHEREAS the Directors of the North Shore Railway and St. Maurice Navigation and Land Company have, by their petition, prayed that the period fixed for the construction of their works may be extended for the reasons set forth in the said petition, and it is expedient to accede to their prayer : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Period for the completion of the company's works extended.

1. The North Shore Railway and St. Maurice Navigation and Land Company may continue the construction of their railway and other works after the month of June, one thousand eight hundred and sixty-two, but such road and works must be completed by the thirtieth day of October, one thousand eight hundred and sixty-six ; and the said company shall, during and after the month of June, one thousand eight hundred and sixty-two, continue to enjoy all the powers, rights and privileges granted to and enjoyed by them, in virtue of the Acts respecting the said company, any limitation or provision in any such Act to the contrary notwithstanding.

Directors may issue scrip, debentures, &c., for raising capital.

2. It shall and may be lawful for the Directors of the said company, for the time being, to make, execute and deliver all such scrip and share certificates, and all such Bonds, Debentures, Mortgages or other Securities, as to the said Directors for the time being shall, from time to time,

seem most expedient for raising the necessary capital for the time being authorized to be raised by the said company, or for raising any part thereof.

3. The company may raise, by way of loan upon their Bonds or Debentures, in addition to their authorized share capital, any sum not exceeding one half of their capital, and such Bonds or Debentures may be for such amount respectively as the said company may deem expedient, and all Bonds and Debentures, to be executed by the said company, may be payable to bearer ; and all such Bonds, Debentures, or other Securities of the said company, and all dividends and interest warrants thereon, respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof, for the time being, in their own names.

4. It shall be lawful for the Board of Directors, out of the capital of the company, to provide and pay such sum as may, from time to time, with the earnings of the company available for dividend, be sufficient to pay interest upon the Loan and Stock and Share Capital of the Company, until the completion of the authorized works of the undertaking of the company ; Provided, always, that such payments shall not continue to be made upon the Stock and Share Capital, except out of the earnings of the company, after the thirteenth day of October, one thousand eight hundred and sixty-six.

5. The Directors of the company may, subject to the rules and regulations, from time to time, of the Board, appoint an Agent in the City of London, in England, with power to pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of Scrip and Stock Certificates, and thereupon shares may be transferred from the Canada Office to the London Office in the names of the transferees, in the same manner as shares may be transferred in the former office, and *vice versa* ; and shares originally taken and subscribed for in Great Britain may be entered upon the books at the London Office, and Scrip Certificates be issued of them, and the Agent or other officer shall transmit an accurate list of all such transfer

and Scrip Certificates so issued, to the Secretary or other officer of the Company in this Province, who shall thereupon make the requisite entries respecting such transfer and Scrip Certificates, in the Register kept in the Province, and thereupon the same shall be binding on the company as to all the rights and privileges of Stockholders, as though the Scrip Certificates had been issued by the Secretary of the Company in this Province.

Public Act.

6. This Act shall be deemed a Public Act.

CHAP. 95—29-30 VICTORIA.

An Act to extend the period for the completion of the works of the North Shore Railway and St. Maurice Navigation and Land Company.

[Assented to 15th August, 1866.]

WHEREAS, in view of the great importance of the Preamble. undertaking, it is expedient to extend the period during which the North Shore Railway and St. Maurice Navigation and Land Company may complete their works, and the said company have, by their petition, to the Legislature prayed for such extension : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. For and notwithstanding anything to the contrary in Time for com- the Act twenty-fourth Victoria, chapter eighty-five, or in pleting the any other Act, or law, the said North Shore Railway and Railway and St. Maurice Navigation and Land Company may continue works of the the construction of their railway and other works after the Company thirtieth day of October in the present year, one thousand prolonged, and eight hundred and sixty-six, by which day they were Acts con- bound to complete them under the said Act ; but the tinued. *Railway* and works of the said company shall be completed on or before the first day of January, in the year of Our Lord one thousand eight hundred and seventy-two ; and the said Act, and all the Acts relating to the said *Company*, or to the *North Shore Railway Company*, or to the *St. Maurice Railway and Navigation Company*, shall be and remain in force until the day last mentioned, as if the said day had been fixed by the Act last cited as that on or before which the said works should be completed.

2. This Act shall be deemed a Public Act.

Public Act.

C A P . X X I .

An Act to provide for the granting of certain lands in aid of the Railway Companies therein mentioned.

[Assented to 24th December, 1870.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

3,208,500 acres
of land set
apart for the
purposes of
this act.

1. From and out of the public lands of this province, certain lands hereinafter mentioned, forming a superficies of three million, two hundred and eight thousand and five hundred acres, are hereby set apart for the purposes of this act, that is to say : all the lands described in the schedule to this act, under the designations of blocks A B C and D, and comprised within the four blocks or extents of territory colored in red and marked respectively A, B, C and D, upon a certain lithographed copy of a map of the province of Quebec, drawn at the Crown Lands Department of this province, by Eugène Taché, assistant-commissioner of Crown Lands, and dated Quebec, eighteen hundred and seventy, which lithographed copy is filed in the office of the clerk of the legislative council of this province, to remain of record for all the purposes of this act and copies of which in full or on a reduced scale certified by the said clerk shall be deemed authentic for all legal purposes.

2,000,000 acres
of such land on
certain condi-
tions may be
granted to
North Shore
Railway Com-
pany.

2. The lieutenant-governor in council may, subject to the provisions of the next following section, grant to the North Shore and Saint-Maurice Navigation and Land Company, now to be called the North Shore Railway Company, for building the north shore railway from Quebec to Montreal and the road to the Grandes Piles and the establishment of a line of steamers on the St. Maurice, as mentioned in the act of the late province of Canada, intituled : " An act to incorporate the St. Maurice Railway and Navigation Company," two millions of acres of land to be chosen and allotted by the lieutenant-governor in council on the report

of the commissioner of crown lands, from within the said blocks A, B, C and D, in a corresponding proportion, as regards quantity and quality, to those granted under this act for the construction of a railway from Montreal to Aylmer.

3. The company shall be entitled to such grant on the following conditions only : Conditions on which grant may be made.

1. The said railways shall have been completed and put in operation to the entire satisfaction of the lieutenant-governor in council, and steam navigation shall have been put into operation on the St. Maurice ; but the lieutenant-governor in council, if he thinks proper, may, nevertheless, when it is established that the said company is actively engaged in the construction of its works, grant to it, for each twenty-five miles of road completed, a portion of the said lands proportionate in extent to such length of road ;

2. The lieutenant-governor in council shall have the appointment of one third of the directors of the said company, without counting the *ex-officio* directors, or directors representing municipalities, and no city, town or municipality shall be represented in the said company by a greater number of directors than the lieutenant-governor in council.

4. All grants of land made to the said company, or to the St. Maurice Railway and Navigation Company, by different acts passed by the parliament of the late province of Canada, and the assurance of aid given by the colonization railway act of 1869, for the construction of a wooden railway between Three Rivers and the Grandes Piles, are hereby revoked and repealed. Former grants &c., revoked.

5. The lieutenant-governor in council may, subject to the provisions of the next following section, grant to the Montreal Northern Colonization Railway Company, for building a railway from Montreal to Aylmer, upon the north shore of the Ottawa, ten thousand acres of land, for every mile of such railway, to be chosen and allotted by the lieutenant-governor in council, on the report of the commissioner of crown lands, from within the said blocks A, B, C and D, in a corresponding proportion, as regards 10,000 acres per mile may be granted on certain conditions to Montreal Northern Colonization Railway Company.

quantity and quality, to those granted, under this act, for the construction of the North Shore Railway as aforesaid.

Conditions on
which grant
may be made.

6. The said Montreal Northern Colonization Railway Company shall be entitled to the said grant on the following conditions only :

1. The railway from Montreal to Aylmer shall have been completed and in operation ; but according as the company shall have completed twenty-five miles of the railway, the lieutenant-governor in council may, if he think proper, grant to it a proportionate quantity of the said lands, at the reduced rate of five thousand acres for each mile completed within the section extending from Montreal to Grenville, and at a proportionately increased rate for every mile completed within the section between Grenville and Aylmer ;

2. The said railway shall connect with the said North Shore Railway from Quebec to Montreal at such point as shall be determined by the lieutenant-governor in council ;

3. The lieutenant-governor in council shall have the appointment of one third of the directors of the company without counting the *ex-officio* directors, or directors representing municipalities and no city, town or municipality shall be represented in the company by a greater number of directors than the lieutenant-governor in council.

Q., 32 V., c.,
52, not to ap-
ply to a certain
portion of said
railway.

7. The colonization railway aid act of 1869 shall no longer apply to such portion of the said Montreal Northern Colonization Railway as shall form part of the route from Montreal to Aylmer.

10,000 acres
per mile may
be granted to
Quebec and
New Brun-
swick Railway
Company, from
certain town-
ships.

8. The lieutenant-governor in council may, subject to the provisions of the next following section, grant to the Quebec and New Brunswick Railway Company ten thousand acres of land for every mile of its railway built between the frontier of this province and Rivière du Loup, or Kamouraska or any intermediate point between those two places, to be chosen and allotted by the lieutenant governor in council, on the report of the commissioner of crown lands, from within the townships of Packington, Bottsford and Robinson and the territory adjoining the

boundary-line between this Province and New-Brunswick, to the east of the said railway.

9. All tracts of lands actually held under license for the cutting of timber, comprised within the boundaries of blocks B. C. D., described in the schedule to this act, as hereinbefore mentioned, shall be excepted therefrom, and a superficies corresponding to the deficiency created by such limits now in existence shall be set apart for the purposes of the said grant out of the unoccupied lands of the Crown in the nearest neighborhood to the said blocks B. C. D.

Certain timber limits not to be comprised in lands granted.

10. The said last mentioned company shall not be entitled to the said grant, unless the said last mentioned railway shall have been completed and in operation as far as Rivière du Loup, or Kamouraska, or any intermediate point between those two places ; but, according as the company shall have completed twenty-five miles of railway, the lieutenant governor in council may, if he think proper, grant to it a proportionate quantity of the said land.

Conditions previous to making of the grant.

11. Any grant made to the said Quebec and New-Brunswick railway company shall be made upon the condition that one half of the lands so granted shall be conceded by the company to settlers who shall occupy and clear the same, the whole in conformity with such conditions and at such prices as shall be fixed by the lieutenant governor in council upon the report of the commissioner of crown lands ; but such price shall not be less than one dollar for each acre.

Further condition.

12. The delay mentioned in the second section of the colonization railway aid act of 1869, is hereby extended to the first day of July, one thousand eight hundred and seventy-five.

Delay of sec. 2, of 32 V., c. 32, extended.

13. The said colonization railway aid act of 1869, and the extension of delay mentioned in the preceding section shall apply to the railway of the St. Francis and Megantic international railway company, incorporated by an act of the parliament of Canada, as fully and effectually as if the said railway had been originally included and named in

Said act to apply to St. Francis and Megantic International Railway Company.

the colonization railway aid act of 1869, but only for the length thereof which commences where the said railway leaves the line of the Grand Trunk Railway ; and the said last mentioned act shall no longer apply to the St. Francis Valley and Kennebec railway.

Extension of
the aid grant-
ed to Richelieu
Drummond
and Arthabas-
ka Railway
Company.

14. The aid provided for in favor of the Richelieu, Drummond and Arthabaska Counties Railway Company by the Colonization Railway aid act of 1869, shall likewise apply and extend to any of the lines of railway mentioned in the act of the present session, intituled : " An act to amend the charter of the Richelieu, Drummond and Arthabaska Counties Railway Company," provided no such aid shall be paid or payable upon any greater length of road than shall be completed, nor be extended in any case to more than one hundred and fifty miles.

Iron rails may
be substituted
for wooden
without preju-
dicing aid.

15. Iron rails may be laid instead of wooden rails on any of the railways mentioned in the said Colonization railway aid act of 1869, without affecting the right of obtaining the aid thereby assured for the construction of such railway.

Lands may be
reserved for
roadway and
stations of rail-
ways.

16. The lieutenant governor in council may reserve for himself and also for any railway company to whom he may grant the same, the right of taking without compensation, upon any lands granted under this act, as much land as may be deemed necessary for the road-way and stations of any railway that may pass over the lands so granted.

Railways to be
commenced
before 1st May,
1873.

17. In case any one of the above named companies shall not have *bonâ fide* commenced to build its railway within two years from the first day of may next, it shall forfeit all claims to lands under this act.

Sec. 11 and 15,
of Canada, 33
V., c. 56, con-
firmed.

18. Sections eleven and fifteen of the act incorporating the Quebec and New Brunswick Railway Company, that is to say the act of the parliament of Canada, thirty-third Victoria, chapter fifty-six, including the schedule connected with the said section fifteen, are hereby, in so far as they relate to matters and subjects within the jurisdiction and control of the legislature of this province confirmed and enacted as fully and effectually as if the pro-

visions thereof were herein enacted at full length, and shall have effect notwithstanding article 2130 of the Civil Code.

SCHEDULE.

BLOCK A.

The territory included in this designation being situate in the county of Pontiac, at the western extremity of this province, and being traversed by the principal branch of the Ottawa river, and by that of the river called the Abittibi, is bounded as follows, that is to say :

Beginning at the point of intersection of the meridian of the mouth of the river Blanche, on lake Temiscamingue, with the rear line of the Indian reserve, situate between such last mentioned river and lake des Quinze, at the point A, as set forth on the map hereinabove mentioned ; thence prolonging such meridian line for a distance of 31 miles or thereabouts to the height of land separating the waters of the St. Lawrence from those of Hudson's bay to B ; thence following a line running north, 71° east, astronomically, a distance of 64 miles, to C ; thence in a true southerly direction, a distance of 60 miles to D, thence, following a western course, astronomically, a distance of 23 miles or thereabouts, to the intersection of the most southerly bay of lake Missizowaja, at the point E ; thence skirting the eastern and northern shore of the said lake, and that of lake des Quinze, until opposite the point at which it discharges itself, by means of the river of the same name, at the place designated by the letter F ; thence pursuing a course usually north, to G, to the stake planted by the Surveyor, Charles Bouchette, in 1854, to mark the north-east angle of the Indian reserve aforesaid ; thence following the northern boundary of the said reserve, to its intersection with the meridian of the mouth of the river Blanche, to the point of Departure at A, a distance of $15\frac{1}{2}$ miles or thereabouts.

The said block A, comprising an extent of territory of 1,827,400 acres in superficies.

BLOCK B.

The territory so designated, including the island of lake Edward, and watered by the river Batiscan and by the river known as the Pierre river, being situate partly in the county of Portneuf and partly in the county of Quebec, is bounded as follows, that is to say :

Beginning at the letter A on the said plan, to the point of intersection of the line of survey drawn during the summer of 1870, by the Surveyor Ignace Déry, with the north bank of the river à Pierre, from thence following such said line, so already established, for a course north 45° west, astronomically, to the river Batiscan, a distance of 10 miles and 35 chains, and pursuing in the same direction a distance of about 9 miles to the line of survey drawn by the Surveyors Eugène Casgrain and H. Legendre, in 1869, to the point B., from thence at a right angle following the said line of survey, a distance of about 3 miles to D, to its junction with the south western branch of the river Batiscan, known as the river Jeanotte, and ascending the left bank of the said river and following the windings thereof to its source in lake Edward, and skirting the south shore of such lake to its western extremity, and ascending to its source (at the place marked D), the little river which discharges itself at such place. From this point, the said block to be bounded towards the north by a line running true east about 2 miles to the point E, situate at 6 miles at right angles to the general course of the river Métabetchouan, then at the said distance following parallel thereto, in a south and south westerly direction, the course and windings of the said river to lake aux Rognons, and thence, by prolonging, at the said distance of six miles, a parallel line to the survey of the continuation of the Gosford road, fixed by the Surveyor E. Casgrain, to the point of meeting the river à Pierre, at the point F, and descending the course of the said river, to its intersection with the line of survey of Mr. Déry, at the point of departure already mentioned.

The said Block B, comprising 319,440 acres.

BLOCK C.

Situate in the county of Montcalm, bounded as follows, that is to say :

Beginning at a distance of 10 miles from the north-western angle of the township of Doncaster on the division line between the counties of Argenteuil and Montcalm, at the north-western angle of the proposed township of Archambault, at the point A of the said map, following the said line, and, in continuation, the line dividing the districts of Montreal and Ottawa, to its meeting with the principal branch of the *Rivière Rouge*, a distance of about 26 miles, in B ; thence ascending the course of the said principal branch to a point of intersection with the line between the counties of Montcalm and Joliette, in C. Thence, following such line on a course, astronomically south, 45° east, for a distance of $34\frac{1}{2}$ miles to the north-east angle of the proposed township of Lussier, to about ten miles from the north-east angle of that of Chilton, in D. Thence following the rear line of the said proposed townships of Lussier and Archambault, a distance of 30 miles, to the point of Departure in A.

The said Block C, comprising an area of 371,200 acres in superficies.

BLOCK D.

This extent of territory, situated on the eastern bank of the river St. Maurice, partly in the county of Champlain and partly in that of Chicoutimi, is bounded as follows, that is to say : Beginning at the mouth of the *Grande Rivière Pierriche*, on the St. Maurice, about 10 chains from the 64th mile post, planted by Surveyor Bignell in 1848, at the time of his survey of the said last mentioned river, at the point A, on the said map ; thence, following the meridian of the mouth of the said *Grand Rivière Pierriche*, a distance of 37 miles to B, from such place, at right angles with the said meridian, on a course west astronomically, a distance of nearly 37 miles to the point of

meeting the river St. Maurice, in C. Thence descending the left bank of the said river and following all its windings in a direction usually south and south-east, to the point of departure at the mouth of the said *Grande Rivière Pier-riche*, at the place marked A, and already described.

The said block D, comprising an area of 685,466 acres in superficies.

C A P . X X I I .

An Act to extend the period for the completion of the works of the North Shore Railway and St. Maurice Navigation and Land Company.

[Assented to 24th December, 1870.]

WHEREAS it is expedient to extend the period during Preamble.
 which the North Shore Railway and St. Maurice Navigation and Land Company may complete their works ; and that the said company have, by their petition to the legislature, prayed for such extension of time and for other provisions in their favor ; Therefore Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Notwithstanding anything to the contrary in the act of the Parliament of the late province of Canada, twenty-ninth and thirtieth Victoria, chapter ninety-five, or in any other act or law, the said North Shore Railway and St. Maurice Navigation and Land Company may continue the construction of their railways and other works after the first day of May, in the year of Our Lord, one thousand eight hundred and seventy-two, by which day they were bound to complete the same under the said act ; but the said railways and works of the said company shall be completed on or before the first day of May, in the year of our Lord, one thousand eight hundred and seventy-seven, and the said act and the acts in any way relating to the said company or to the North Shore Railway Company or to the St. Maurice Railway and Navigation Company, in so far as they are not inconsistent with the present act, shall be and remain in force until the day last mentioned, as if the said day had been fixed by the last mentioned act as that, on or before which the said works should be completed, and as if all the provisions of such acts had been, as they are hereby, re-enacted by the legislature of this province, except that the said company abandons all claim to

Extension of delay prescribed by 29, 30 V., c. 95, until 1st May, 1877.

the public lands to which they might have had right in virtue of the said act in consideration of two million acres of other lands, which are given in the place of the old lands granted by an act passed during the present session of the legislature of this province on certain conditions therein stipulated and intituled, "An Act to aid in the construction of certain lines of railways therein mentioned."

New share-books to be opened and kept open for a certain period every year.

2. The original share books having been either lost or burnt, the company shall be bound, within the fifteen days following the passing of the present act, to open new share books in its offices, and to keep them open until the twelfth day of May of the year one thousand eight hundred and seventy-one, and to re-open them on the twenty-second day of the said month and year and to keep them open until the twelfth day of May of the following year until four o'clock in the afternoon, each day, and to continue so to do during every succeeding year until the capital stock of the said company shall have been fully subscribed.

Original share-holders to inscribe their names on new books, and receive credit for former payments.

3. The original shareholders, establishing their titles as such, shall, before the first day of March next, in order to continue so to be, inscribe their names in the new books, and shall receive credit for their paid up instalments, both in so far as regards their right to vote at the election of directors as their payment of the instalments required from time to time by the company to be paid up by subscribers for the purposes of the enterprise.

Former shares on which nothing has been paid, cancelled.

4. All shares, which may have been taken by individuals, and upon which no instalments have yet been paid, are cancelled as if they had never been subscribed; and from the date of the passing of the present act, the new share books hereinbefore mentioned shall be the only share books of the said company.

Company may raise money upon debentures, subject to § 11, of sec. 9, of C. S. L. C., c. 66, and said § shall apply to municipal debentures.

5. The said company may raise by way of loan upon their bonds or debentures, in addition to their authorized capital stock, which shall be of six millions of dollars, any sum of money not exceeding the amount of such capital, subject to the forms and provisions of the eleventh subsection of the ninth clause of the "Railway Act" contained in the Consolidated Statutes of Canada, chapter sixty-six,

which shall apply to such loan ; and the said sub-section shall apply, as far as may be, to the bonds and debentures of all city, town, village, parish or county municipality, subscribing to the stock of such company or aiding the same, anything in their special acts to the contrary notwithstanding, which municipal corporations may, in addition to their rate of interest, provide such sinking fund for the redemption of their said bonds and debentures, as such corporation may deem advisable.

6. The election of the directors of the said company, in future, shall be held at noon, on the twentieth day of May in each year at the office of the company in the said city of Quebec. Time of election of directors.

7. From and after the twentieth day of May, one thousand eight hundred and seventy-one, inclusively, the board of directors of the company shall be composed of twelve members, in addition to the representatives of the municipalities entitled to form part thereof. Of these twelve members, four shall be named by the lieutenant-governor in council, eight only in future to be elected by the shareholders ; but until the twentieth day of May, one thousand eight hundred and seventy-one, the said board shall consist of the present directors, the four members named by the lieutenant-governor, and the representatives of the municipalities as already stated. Until the next election of directors, the board shall not have power to fill vacancies among the directors elected. Of whom board of directors shall be composed.

8. From and after the twentieth day of May one thousand eight hundred and seventy-one, inclusively, no person shall be elected as a director of the said company, without his having subscribed at least one thousand dollars to the capital-stock, and paid up all the instalments then due. Who may be directors after 20th May, 1871.

9. No person shall be entitled to vote at the next election of directors unless he has paid up at least ten per cent on the amount of his shares. Who may vote to elect directors.

10. The board of directors of the said company, as constituted from the formation of the said company up to the present time, is hereby declared to have been legally Election of former directors confirmed.

elected and chosen and to have had lawful power and authority for the discharge of their functions.

Meeting of
directors.

11. Until such time as it shall have been otherwise decided by a by-law adopted by the board of directors, the regular meetings of the said board shall be held every second Thursday in each month.

Expenses
already incur-
red to be a first
charge.

12. The expenses incurred by the said company and the obligations which it may have contracted up to the passing of the act and which may be lawfully due shall be the first charge thereupon.

Preamble.

Whereas, in the year one thousand eight hundred and fifty-three, the council of the municipality of the county of St. Maurice did, by a by-law, which was subsequently regularly approved by the municipal electors of the said county, subscribe a sum of two hundred thousand dollars to the capital-stock of the "North Shore Railway Company," since called the "North Shore Railway and St. Maurice Navigation and Land Company;"—whereas afterwards the Legislature did divide the said county of St. Maurice into two new counties, bearing respectively the names of "County of St. Maurice and county of Maskinongé," without determining the proportion of the said subscription to be borne by each of the said two counties and mode of giving effect thereto—and whereas it is important to determine the same in the interest of the said counties and for the speedy execution of the enterprise which it is intended to aid:—

\$200,000 stock
subscribed by
former county
of St. Maurice
divided be-
tween present
counties of
St. Maurice
and Maski-
nongé.

13. Therefore, it is hereby enacted that the said counties of St. Maurice and Maskinongé, shall, out of the said sum of two hundred thousand dollars subscribed in the said year one thousand eight hundred and fifty-three, by the said heretofore county of St. Maurice, in favor of the said North Shore Railway Company, subsequently called the North Shore Railway Company and St. Maurice Navigation and Land Company, be considered to have and have each respectively subscribed one hundred thousand dollars to the capital-stock of the said "North Shore Railway and St. Maurice Navigation and Land Company;" and that such subscription has, with regard to each of the said

Said counties
may impose
conditions, but

counties, precisely the same effects in every respect, and shall be bound subjects the said counties respectively towards the said ^{if those are accepted.} Company to the same obligations, in regard to their respective share of the said subscription, as if the said by-law had been passed by the county municipal council of each of the said two counties respectively ; but each of the county municipal councils of the said two counties may, as regards the county it represents and its share of the said subscription, impose upon the said Company such conditions as it shall deem proper to make in resolutions by it adopted. If these conditions be not accepted by the said Company, the county imposing them shall be discharged from the obligation arising out of its share of the said subscription ; and such resolutions, being accepted by the said Company, shall, without any other formality, have force of law and shall bind the said county towards the said Company in the same manner as if such conditions had been stipulated in the present act.

14. The gauge of the said railway may not be narrower ^{Width of} than four feet eight inches and one half. ^{gauge.}

15. The provisions of the " Railway Act, " contained in ^{c. s. c., c. 66,} the Consolidated Statutes of Canada, shall apply to the ^{to apply to} present act, except in so far as the special provisions of ^{this act.} this act may be inconsistent therewith.

Whereas on the fourth day of October, one thousand ^{Preamble.} eight hundred and seventy, the council of the city of Quebec did resolve to subscribe, in the name of the Corporation of the said city, a sum of one million of dollars to the stock of the North Shore Railway and St. Maurice Navigation and Land Company, subject to the conditions that the said council might judge proper to impose on the said company ; and whereas on the twenty-eighth day of the said month, in the said year, the said council did, in regard to the said subscription of one million of dollars, impose on the said company the conditions following, to wit :

1. That the amount subscribed be paid by permanent consolidated stock certificates bearing seven per cent interest.

2. That an act be obtained from the Provincial Legislature, authorizing the issue of the said stock and power to impose a rate—to provide for the payment of the interest on the said amount. Proprietors to be responsible for the said tax with power to collect one half of the same from the tenants as at present.

3. Liability of the corporation to be limited to amount subscribed.

4. That in case the company find it advantageous to begin the road with subscribed stock, as being the most immediately available means, so as to give value to their bonds on the lands or on the road, the stock to be issued by the corporation shall be *pro rata* as the work progresses and in proportion to the whole subscribed stock, on certificates of the engineer to be named by themselves ; but if the company finds it possible to obtain a contract by which their bonds are given in part payment simultaneously with the stock subscribed, then the corporation shall issue their stock as the work progresses *pro rata* to the total cost of the road.

The stock to be issued by the corporation also as the work progresses *pro rata* to the whole cost of the road, in case legislation should give a substitute for the lands to the company.

5. The company, either by themselves or the contractor, to pay the interest on the stock of the corporation to the date of the opening of the road, between Montreal and Quebec, and the running of the first through train between those two cities.

6. In the event of the company or the contractor neglecting to pay the interest on the corporation stock issued, as it becomes due, the corporation shall have a right to cease to issue bonds in favor of the company.

7. That the bonds to be issued by the company on the security of the road and lands be at a not less date than twenty years, and that on no consideration shall the bondholders have the power to assume possession or management of the road or lands.

8. The chief terminus of the city of Quebec to be in St. Peter's Ward.

9. The principal office of the company to be in the city of Quebec, where its meetings shall be also held.

10. The corporation to be represented at the board of directors by the mayor and three other members appointed by the council ; and that no contract shall be entered into with one or more contractors for the building of the road or its appurtenances, until the four members to represent the city council of the city of Quebec do legally form part of the direction of the said board.

11. That the corporation shall be entitled to be credited with stock representing the amount of fifty thousand dollars already paid by them, over and above the one million dollars.

12. That the work of the construction of the road shall commence in the city of Quebec and shall uninterruptedly continue until completed.

13. That no bonds of the corporation in favor of the company shall be issued and no contract for the buildings of the road be made, until the company have obtained subscriptions to its capital stock to the amount of at least two million dollars, including that of the corporation of Quebec ; and, in the event of the provincial legislature allowing a substitute for the two million seven hundred thousand acres of land, secured by law to the said company, that the said substitute, in provincial securities or bonds, shall amount to at least two million dollars.

16. Therefore it is enacted that the said corporation of the city of Quebec, to this end is hereby authorized to subscribe, as aforesaid, forty thousand shares, of twenty-five dollars each, making the said sum of one million of dollars in the stock of the said North Shore Railway and St. Maurice Navigation and Land Company, pursuant to and in accordance with the said resolutions of the said city council, hereinbefore cited, of the said fourth day of October, one thousand eight hundred and seventy, and

Corporation of Quebec may subscribe \$1,000,000 stock, subject to the above conditions.

pursuant to the conditions thereto attached, which said conditions shall, in consequence, become and be binding upon the said company, and shall be considered as forming part of the present act. But the above conditions on which the city council of the city of Quebec is so authorized to subscribe the said one million of dollars, in favor of the North Shore Railway Company, may be at any time changed or modified, with the joint consent of the said company and the said city council.

Corporation
may create a
fund to meet
payment of
shares sub-
scribed.

17. And be it also enacted, that to meet the payment of the amount of shares so subscribed by the said corporation of the city of Quebec, to the aforesaid amount of one million of dollars in the said stock of the said North Shore Railway and St. Maurice Navigation and Land Company, a fund to the like amount of one million of dollars, current money of this Province, is hereby established for the city of Quebec, to be known as "The city of Quebec Fund for the North Shore Railway and St. Maurice Navigation and Land Company," which said fund shall consist of permanent and irredeemable stock certificates of not less than five hundred dollars each and bearing seven per cent interest.

Corporation
may issue
stock certifi-
cates for the
amount.

18. And be it also enacted that the said Corporation is hereby authorized to issue, whenever required, the said permanent and irredeemable stock certificates to the amount aforesaid of one million dollars, the said stock certificates to be signed by the Mayor of the said city of Quebec and countersigned by the Treasurer of the said city, and sealed with the seal of the said city, which said certificates may be in the form of Schedule A, appended to the present Act.

Company to be
paid with said
stock certifi-
cates.

19. And be it also enacted that the said sum of one million of dollars, to be so subscribed by the said Corporation of the city of Quebec, for shares to the amount aforesaid in the stock of the said North Shore Railway and St. Maurice Navigation and Land Company shall be paid to the said Company by the said Corporation of the city of Quebec, with the said permanent and irredeemable stock certificates of the said "city of Quebec Fund for the North Shore Railway and St. Maurice Navigation and Land Com-

pany," and not otherwise, the said fund to this end being established as hereinabove mentioned.

20. And be it also enacted that, to meet the payment of Corporation the interest of the amount of one million of dollars so to ^{may impose a} be subscribed for shares in the said stock of the said ^{special rate to} North Shore Railway and St. Maurice Navigation and ^{meet interest} Land Company, as aforesaid, the said Corporation of the ^{on amount} city of Quebec is hereby authorized to impose and levy, ^{subscribed—} whenever required, upon the whole then assessable real ^{rate to be} property of the said city, a special rate of so many cents ^{borne by} in the dollar, as shall be required, until the said interest ^{owners and by} shall be fully paid and discharged, the said rate to be paid ^{tenants.} in equal proportions by the proprietor and tenant, unless the said real property be occupied by the proprietor himself, in which case such rate shall be paid by the proprietor or persons in possession as proprietor as aforesaid, to recover one-half of the said rate from the tenant or occupant of the said real property, as it is now the case for the other taxes imposed in the said city of Quebec, by suit in the Recorder's Court.

21. And be it also enacted, that the said rate for the pay- ^{Said rate may} ment of the said interest shall be imposed at any time ^{be imposed} that it shall be so ordered by the said council of the city ^{without any} of Quebec, by being entered in a separate book by the as- ^{by-law upon} sessors of the said city of Quebec, or by any one of them, ^{the annual} the said book to be called "Book of Interest of the North ^{assessed value} Shore Railway and St. Maurice Navigation and Land ^{of real proper-} Company," or in a separate column in the assessment books ^{ty.} of the said city of Quebec, in the like manner as the other assessments on real property in the said city of Quebec, and shall be levied by the same process and in the same way, and without any other formalities, and without it being necessary for the said council of the said city of Quebec to make any by-law to that effect. The said rate to be imposed on the annual assessed value of each and every real property within the said city of Quebec, which said value shall be estimated according to that set upon real property in the assessment books of the said city for the then current year, when the said rate shall be so imposed.

22. And it is also enacted that, so soon as the city coun- ^{Corporation}

after subscrib-
ing may ap-
point three
directors
besides the
mayor.

cil of the city of Quebec shall have subscribed, as afore-
said, to the capital stock of the said North Shore Railway
Company, then, besides the mayor of the said city of Que-
bec, who shall be *ex-officio* a member of the board of the
directors of the said company, the council of the city of
Quebec shall have the right to appoint three other persons
who shall be also members of the said board of directors.

Name of the
company.

23. The name of the said company shall be "The North
Shore Railway Company."

SCHEDULE A.

City of Quebec Fund for the North Shore Railway and St.
Maurice Navigation and Land Company.

City Hall,

Quebec,

18

Certificate No.

This is to certify that

of

at the date hereof, is the registered owner, in the books of
the corporation of the city of Quebec, of

shares of five hundred dollars

each, in all amounting to dollars,
of the city of Quebec Fund for the North Shore Railway
and St. Maurice Navigation and Land Company, (as de-
tailed in the margin hereof), established under the author-
ity of the act of the Legislature of Quebec, in the Domi-
nion of Canada, passed on the twenty-fourth day of
December, 1870, intituled: "An Act to extend the period
for the completion of the works of the North Shore
Railway and St. Maurice Navigation and Land Company."

Upon the amount of shares in the said permanent stock
standing registered to the credit of the owners thereof, in
the books of the corporation of the city of Quebec as
aforesaid, the corporation of the city of Quebec will pay

interest semi-annually, at the rate of seven per cent per annum, on the first day of January and July in each year.

Sealed with the seal of the corporation of the said city of Quebec, signed by the mayor, countersigned by the city clerk, and registered in the books of the said corporation by the city treasurer of the said city, this day of

18

L. S.

Mayor.

City Clerk.

Registered book

Folio.
City Treasurer.

Sub-sections 4, 7 and 11 of the last mentioned act are repealed, and the following substituted in their place) :

OFFICE OF THE NORTH SHORE RAILWAY
COMPANY.

QUEBEC, 22nd FEBRUARY, 1872.

At a meeting of the Board of Directors of the North Shore Railway Company, held on the twentieth day of February, one thousand eight hundred and seventy two, the following resolution was adopted :

That the Corporation of the city of Quebec having, at their meeting of the 6th February instant, adopted the following which, as it is herein mentioned, has for its object the changing of the conditions 4, 7 and 11, relative to the subscription of one million of dollars to the stock of the North Shore Railway.

Resolved :

That the fourth, seventh and thirteenth conditions imposed by the Council of the City of Quebec, on the twenty-

eighth day of the month of October, one thousand eight hundred and seventy, to their subscription of one million dollars to the stock of the North Shore Railway Company, and contained in the statute of the Province of Quebec, thirty-four Victoria, chapter twenty-two, are by the present repealed, and the following substituted therefor :

4. The Corporation shall issue their capital according to the progress of the work and *pro rata* to the total cost of the road between Quebec and Montreal, on the certificates of the Engineer to be named by themselves.

7. The bonds to be issued by the Company on the security of the road and lands shall be at a not less date than twenty years.

13. The main workshops of the Company shall be within the municipal limits of the City of Quebec.

This Company approves of it, and gives its consent according to the dispositions of the sixteenth section of the twenty-second chapter of the statute of the Province of Quebec, thirty-fourth Victoria.

Certified,

(Signed,) A. H. VERRET,
Secretary.

(The following clauses from Acts relating to the Corporation of the City of Montreal shew the powers conferred on said Corporation to issue Stock, Debentures, &c., to assist Railways.)

CAP. 37.—34 VICTORIA.

An Act to amend the Acts relating to the Corporation of the City of Montreal, and for other purposes.

[Assented to 24th December, 1870.]

WHEREAS the corporation of the city of Montreal have, Preamble.
by their petition, represented that it has become necessary, in the interest of the citizens of the said city, to make several alterations to its acts of incorporation: Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

.....

5. The corporation of the said city of Montreal shall have full power and authority, through the council of the said city, to subscribe to such number of shares as the said corporation may deem expedient in the capital stock of any railway company, the establishment of which may, in their opinion, tend to promote the interests of the said city, or to lend or guarantee the payment of any sum of money borrowed by such company from any corporation or person, by observing the formalities prescribed by law, and especially those prescribed in regard to such subscriptions or loans by municipal corporations in general in chapters twenty-four and twenty-five of the consolidated statutes for Lower Canada, or such other statutes as may be passed in lieu of either of them during the present or any future session, and in force at the time such subscription is made, and in the railway act, chapter sixty-six of the consolidated statutes of Canada.

Power to take shares in, or to aid, railway companies.

Power to elect railway directors to represent the corporation.

6. The said council of the said city shall have power and authority to choose and elect, independently of the mayor of the said city who, according to law, is *ex-officio* director, such number of directors not exceeding three, exclusive of the mayor, as may be agreed between the company and the said corporation, said directors to be chosen from among the members of the said council, and who shall, concurrently with the mayor, have equal rights with the other directors of any company as aforesaid; and they may exercise such rights as are hereby conferred upon them, so long as the amount subscribed or loaned by the said corporation, shall not have been re-imbursed; and the said directors shall be chosen and elected, and, as occasion may require, removed and others chosen instead, and may enter into office, so soon as the by-law required by law shall have gone through its final passing and the subscription made.

Limits of the corporation may be extended in a certain case and subject to certain conditions.

7. If any railway shall have its terminus or workshops in the eastern section of the said city, and shall connect the same with the harbour by a line running into the municipality of Hochelaga, or shall have its terminus and workshops within the said municipality, the limit of the said city may in that case be extended by the corporation of Montreal to a line to be drawn at a distance of ten arpents to the eastward of the point where such line joins the harbour or where such workshops may be constructed and running from the River St. Lawrence parallel with the present line until it strikes a prolongation of the northern boundary line of the city; but, before any portion of the municipality of Hochelaga is included within the limits of the said city of Montreal, the rate-payers of that portion must declare by a vote of the majority that they desire to be included within said limits, but this shall only take place after the by-law, to be made by the city council of Montreal, authorizing any subscription in favor of the said railway, shall have been voted upon and finally disposed of.

CAP. 32—35 VICTORIA.

An Act to amend the Acts relating to the Corporation of the City of Montreal, and for other purposes.

[Assented to 23rd December, 1871.]

WHEREAS the corporation of the city of Montreal have, Preamble.
by their petition, represented that it has become necessary, in the interest of the citizens of the said city, to make certain alterations to its Acts of incorporation ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The act thirty-fourth Victoria, chapter thirty-seven, is 34 V., c. 37, amended so as to give to the corporation of the said city amended.
of Montreal, the power to aid Railways by the granting Power to grant
of a bonus, if it prefer such method to a loan or a subscrip- bonus in aid of
tion to the capital stock. railways.

.....

5. It shall be optional with the said council of the said Power to aid
city, to aid railway companies in establishing a railway railways by
line or right of way, through the said city, to connect establishing a
together the eastern and western extremities of the said line connect-
city, and of the harbour of the said city, and a station ing the east
or central terminus, within the limits of the said city, and, and west ends
for such purpose, to acquire, by the ordinary process of of the city, to
expropriation, or by amicable settlement, the land acquire land,
required to establish the route of said railway line, and such &c., to re-
station or central terminus ; and power and authority are gulate the
hereby granted to the said council to fix and determine passage over
the time and manner the locomotives and trains of the said the line and to
companies shall pass on the said line, within the limits of exact tolls, &c.
the said city ; and to regulate the kind of engines to be
used by the said companies on the said line, and to establish
the conditions upon which the said companies may use the
said line and station ; and also to exact from such companies
the payment of such duties, rates and tolls, as may be estab-
lished by the said council, to defray the cost of the estab-
lishment of such railway line or right of way, and of such
station or central terminus.

THE MUNICIPAL CODE

OF THE

PROVINCE OF QUEBEC.

[In force from the second day of November, 1871.]

The following clauses taken from the Code shew the powers conferred on municipalities to grant assistance, &c., to public undertakings and railways.

CAP. 68—84 VICTORIA, 1871.

WHEREAS there exists in relation to municipalities a great number of statutes, from the multiplicity of which grave inconveniences result, and it is consequently expedient to consolidate, amend and arrange in methodical order, in one and the same code, the municipal laws of this Province; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, declares and enacts as follows :

1. The Municipal Code applies to all the territory of the province of Quebec, excepting the cities and towns incorporated by special statutes.

(On the North Shore between Quebec and Montreal, are situate the following incorporated cities and towns : Three Rivers, Berthier, *en haut*, and Joliette.)

464. Every municipal council has a right to make, amend or repeal by-laws which refer to itself, its officers, or the municipality, upon any of the subjects mentioned in this chapter :—

Aid in the construction, improvement and maintenance of Public Works or undertakings not belonging to the Corporation.

477. To assist by money, granted or lent, in the construction, repair or maintenance of any road leading to the municipality, or of any bridge or public work, under the direction of the corporation of any other municipality.

478. To aid in opening up and improving the colonization roads declared by the lieutenant-governor in council to be colonization roads of the second or third class, in which the corporation has been held to be interested, in virtue of any law concerning colonization roads.

479. To aid in the construction of any bridge, causeway, pier, wharf, slide, macadamized or paved road, iron or wooden railroad, or other public work, situated in whole or in part within the municipality or its vicinity, to be undertaken and built by any incorporated company, or by the provincial government ;

1. By taking and subscribing for shares in any company formed for such purpose ;

2. By giving or lending money to such company or to the provincial government ;

3. By guaranteeing by endorsation or otherwise any sum of money borrowed by such company or by the government.

480. To subscribe for or hold stock in any company formed for the purpose of constructing electric telegraph lines.

481. Every by-law passed in virtue of the two preceding articles, before coming into force and effect, must

be approved by the electors of the municipality and by the Lieutenant-governor in council.

482. If the price of the shares fixed upon by a by-law of the council passed in virtue of articles 479 and 480 is not in hand, none of such shares can be taken or subscribed for in execution of such by-law, by the head of the council or other person thereunto authorized, before the council has ordered an issue of debentures or a loan to be contracted sufficient to cover the amount of shares to be subscribed for.

483. By-laws made in virtue of articles 477, 479 and 480, may determine the conditions under which assistance or subscription for shares is authorized.

Direct Taxation.

489. To levy by direct taxation on all the taxable property or only on all the taxable real estate of the municipality, any sum of money required to defray the expenses of administration, or for any special purpose whatever within the scope of the functions of the council.

490. To levy by means of direct taxation on all the taxable property or only on the taxable real estate belonging to those persons who, in the opinion of the council, are interested in any public work carried on under the control of the corporation, or belonging to those who benefit by such work, all sums of money required for the construction and maintenance of such work.

491. To levy, by means of direct taxation, money required for any purpose within the scope of the functions of the council, on all taxable property, or only on all taxable real estate comprised within a part of the municipality, on petition by the majority of the rate-payers liable to pay such tax, to the extent and under the conditions set forth in such petition.

The county council only exercises the power conferred by this article when the territory, by the majority of the rate-payers of which such petition was presented, is situat-

ed in two or more local municipalities of the county, or when the money to be raised and levied is to be employed on some public work which falls under its jurisdiction.

Loans and Issue of Debentures.

492. To borrow money in sufficient sums for any purposes within the jurisdiction of the council.

493. To issue debentures for any amount deemed requisite to obtain money for any purposes within the jurisdiction of the council.

494. Every municipal by-law, which orders or authorizes a loan for an issue of debentures must declare the purposes to which the sum so borrowed must be applied, and may contain all provisions deemed requisite to ensure the proper application of the money and the attainment of the end set forth in the by-law.

495. No debentures can be issued, and no loan can be contracted, unless the by-law which authorizes the issue of such debentures or the contracting of such loan, imposes upon all taxable property liable for the payment of such loan or debentures, an annual tax sufficient for the payment of the yearly interest thereon, and, at least two per cent over and above such interest, as a sinking fund until the extinction of such debt.

496. Every by-law which orders or authorizes a loan or an issue of debentures, must, before coming into force and effect, be approved by the electors of the municipality when the taxable property or the taxable real estate of the whole municipality is subject for the payment of such loans or debentures, and in all cases by the lieutenant-governor in council.

497. If only the taxable real estate of the municipality is liable for the payment of such loan or debentures, the municipal electors who are the proprietors of such real estate, are alone entitled to vote in approval or disapproval of such by-law:

498. It is the duty of the secretary-treasurer of the council which has passed any such by-law, to forward to the lieutenant-governor, together with a copy of the by-law submitted for approval, a statement showing the total value of taxable property liable under such by-law, and all the debts and liabilities of the corporation.

Such statement must be attested under the special oath of the secretary-treasurer.

CAP. 8—35 VICTORIA, 1871.

An Act to amend certain articles of the Municipal Code of the Province of Quebec.

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Section 14. The responsibility of municipal corporations and of incorporated companies, as shareholders in railway companies, like that of individuals, is and has always been limited to the amount which has been lawfully subscribed by them.



